

## 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

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
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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, 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.
- 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](http://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](mailto: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 in-person or via the Zoom remote technology platform. 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](mailto: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](http://www.kauai.gov/webcastmeetings) or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil040622>.
  - Video: Meeting ID 826 0831 7821; Passcode: 7M2p50
  - Dial-In: +1 253 215 8782; Meeting ID 826 0831 7821; Passcode: 700344
- 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](mailto: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, APRIL 6, 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 meetings of the Council:

1. March 23, 2022 Council Meeting
2. March 23, 2022 Public Hearings re: Bill No. 2845, Bill No. 2846, Bill No. 2847, Bill No. 2848, and Bill No. 2849

E. CONSENT CALENDAR:

1. [C 2022-68](#)      Communication (03/18/2022) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua‘i County 2022 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended. **(See Resolution No. 2022-15)**
  
2. [C 2022-69](#)      Communication (03/22/2022) from the Director of Finance, transmitting for Council information, Period 8 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for February 28, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2021-2022. *(Copies of the Period 8 Report for as of February 28, 2022 on file in the Office of the County Clerk.)*

3. [C 2022-70](#) Communication (03/23/2022) from Councilmember Kuali'i, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2851, the Mayor's Proposed Operating Budget for Fiscal Year 2022-2023, regarding the appropriation to Sexual Assault/Domestic Violence Community Program in the Office of Economic Development – Administration, Grant-In-Aid, as he is the Director of Operations for the YWCA of Kaua'i, a potential applicant for these funds.
4. [C 2022-71](#) Communication (03/23/2022) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2851, the Mayor's Proposed Operating Budget for Fiscal Year 2022-2023, regarding the appropriation to Kaua'i Soil Conservation in the Department of Public Works – Administration, Grant-In-Aid, as he is the Director for the East Kaua'i Soil & Water Conservation District.
5. [C 2022-72](#) Communication (03/23/2022) from Council Vice Chair Chock, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2851, the Mayor's Proposed Operating Budget for Fiscal Year 2022-2023, regarding the appropriation for Leadership Development & Training in the Office of the Mayor – Administration, as he is a volunteer and facilitator for the annual Leadership Kaua'i adult class. Additionally, Leadership Kaua'i and his company, Kupu a'e Leadership Development, are partners in leadership initiatives on Kaua'i.
6. [C 2022-73](#) Communication (03/24/2022) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2022 Action Plan (Home Investment Partnership Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. **(See Resolution No. 2022-16)**

#### F. COMMUNICATIONS:

1. [C 2022-74](#) Communication (03/16/2022) from the Housing Director, requesting council approval to receive and expend additional funds in the amount of \$2,260,000.00, from the State via the federal American Rescue Plan (ERA2), which will be used to continue the emergency rental assistance program that provides rent and utility assistance for Kaua'i households economically impacted by the COVID-19 emergency.

2. [C 2022-75](#) Communication (03/24/2022) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Fiscal Year 2021 Stop Violence Against Women (VAWA) Formula grant, in the amount of \$64,919, and to indemnify the State of Hawai'i Department of the Attorney General, project award No. 15JOVW-21-GG-00576-STOP, to continue to provide program support of Sexual Assault Nurse Examiners (SANE) exams, supportive funding, and DNA analysis, for the anticipated period of June 1, 2022 to May 31, 2023.

#### G. CLAIMS:

1. [C 2022-76](#) Communication (03/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Carmenia Montano, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2022-77](#) Communication (03/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Martin Hoffman, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### H. COMMITTEE REPORT:

##### 1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2022-03:** on 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 [**Approved.**]

#### I. RESOLUTIONS:

1. [Resolution No. 2022-15](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2022 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

2. [Resolution No. 2022-16](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2022 ACTION PLAN (HOME INVESTMENT PARTNERSHIP PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

J. BILL FOR SECOND READING:

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 (*See also CR-COW 2022-03; the Committee of the Whole recommended approval on second and final reading.*)

K. 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-1071 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and to request authority for a possible settlement proposal in a claim filed by Neil and Michelle Young and related matters. 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.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: 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.

Testimony may be submitted in writing to [counciltestimony@kauai.gov](mailto: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 may be given 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](mailto: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](http://www.kauai.gov/webcastmeetings) or may listen to the meeting on the oral testimony Zoom link. All accommodations pursuant to Act 220, Session Laws of Hawai‘i 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](mailto: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).

*[\*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. 2850](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

- 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](mailto: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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).