

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, 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. 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 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 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/KauaiCountyCouncil061522>.
 - Video: Meeting ID 880 4662 7752; Passcode: 8R64N9
 - Dial-In: +1 253 215 8782; Meeting ID 880 4662 7752; Passcode: 286031
- 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, JUNE 15, 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. June 1, 2022 Council Meeting
2. June 1, 2022 Public Hearings re: Bill No. 2856, Bill No. 2857, and Bill No. 2858

E. INTERVIEW:

1. SALARY COMMISSION:

- [John P. Venardos](#) – Term ending 12/31/2024

2. PLANNING COMMISSION:

- [Jerry Ornellas \(*Environmental*\)](#) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2022-128](#) Communication (05/12/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Lauren O'Leary to the Civil Service Commission – Term ending 12/31/2024. (***See Resolution No. 2022-20***)
2. [C 2022-129](#) Communication (05/17/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Tom Shigemoto to the Board of Water Supply – Term ending 12/31/2024. (***See Resolution No. 2022-21***)
3. [C 2022-130](#) Communication (06/01/2022) from Councilmember Evslin and Council Vice Chair Chock, transmitting for Council consideration, a Resolution for a Charter Amendment Relating To The Housing Development Fund, which proposes to earmark a certain percentage of certified real property tax revenues to the Housing Development Fund for the purpose of affordable housing. (***See Resolution No. 2022-22***)

G. COMMUNICATIONS:

1. [C 2022-131](#) Communication (05/11/2022) from Councilmember Cowden, requesting the presence of Thomas Williams, Executive Director, State of Hawai'i Employees' Retirement System (ERS), to provide a briefing on the following:
 - A basic overview and history of the ERS;
 - The overall financial state of the ERS;
 - The investment emphasis of the ERS;
 - A 5-year performance timeline of our investments and an evaluation of the inflationary impacts on the dollar over the same period; and
 - A future financial outlook of the ERS' investments based on current and future inflationary pressures, investment concerns, and downward trends.

2. [C 2022-132](#) Communication (05/20/2022) from the Deputy Director of Parks & Recreation, transmitting for Council consideration, a Bill For An Ordinance Amending Chapter 23, Article 4, Kaua'i County Code 1987, As Amended, Relating To County Business Licenses, clarifying that a County license is not required for peddlers and concessionaires. (***See Proposed Draft Bill (No. 2871)***)

3. [C 2022-133](#) Communication (05/26/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$26,247.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency of Elderly Affairs to support the functions of the provision of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, marketing, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2025.

4. [C 2022-134](#) Communication (05/27/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$200,651.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, attendant care, kūpuna care transportation, personal care, and home-delivered meals, for the period July 1, 2019 through to June 30, 2025.

5. [C 2022-135](#) Communication (05/27/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$17,901.00 for the third allotment, of the Fiscal Year 2022 Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals (total amount of funds including the previous approved awards is \$29,360.00), and to indemnify the State Executive Office on Aging.

6. [C 2022-136](#) Communication (06/01/2022) from the Acting County Engineer, requesting Council approval to apply for and receive a technical assistance Waste to Energy (WTE) grant from the Department of Energy, valued between \$6,000 to \$12,500, to address knowledge gaps, specific challenges, decision-making considerations, planning, and project implementation strategies related to WTE.

7. [C 2022-137](#) Communication (06/02/2022) from the Emergency Management Administrator, requesting Council approval of the indemnification and attorneys' fees provisions in the Fourth Amendment of the License Agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuioolono Park Trust Estate for the County's 800 MHz Radio site at Kukuioolono Park, for the period July 1, 2022 to June 30, 2027.

8. [C 2022-138](#) Communication (06/07/2022) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, proposing to amend the "Residential Investor" and "Vacation Rental" tax rate classifications to incentivize long-term rentals and to shift some of the financial burden of funding government services to those more capable of paying. (*See Proposed Draft Bill (No. 2872)*)

H. CLAIM:

1. [C 2022-139](#) Communication (05/24/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as Subrogee for Mikala Jacqueline Naoe, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PLANNING COMMITTEE:

- a. **CR-PL 2022-04:** on Bill No. 2854

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-2) [Approved.]

b. CR-PL 2022-05: on Bill No. 2855

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-3) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2022-20](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Lauren O'Leary*)
2. [Resolution No. 2022-21](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Tom Shigemoto*)
3. [Resolution No. 2022-22](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO A HOUSING DEVELOPMENT FUND

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2871\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES
2. [Proposed Draft Bill \(No. 2872\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tiered Residential Investor & Vacation Rental Tax Classifications*)

L. BILLS FOR SECOND READING:

1. [Bill No. 2854](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-2) (*See also CR-PL 2022-04; the Planning Committee recommended approval on second and final reading.*)
2. [Bill No. 2855](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-3) (*See also CR-PL 2022-05; the Planning Committee recommended approval on second and final reading.*)

M. 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-1075 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 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.

2. ES-1076 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, on behalf of the Kaua'i County Housing Agency, requests an Executive Session with the Council to provide the Council with a briefing regarding the proposed acquisition of private property for affordable housing. 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.

N. ADJOURNMENT.

- O. 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; via facsimile to (808) 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. 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 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, 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 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. 2861](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-3.4, 5A-6.1, 5A-6.4, 5A-12.1, 5A-12.3, 5A-12.7, AND 5A-12.8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES
2. [Bill No. 2862](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES
3. [Bill No. 2863](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
4. [Bill No. 2864](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
5. [Bill No. 2865](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
6. [Bill No. 2866](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
7. [Bill No. 2867](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

P. 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.