

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
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/KauaiCountyCouncil072022>.
 - Video: Meeting ID 892 2765 7895; Passcode: 0E9t2g
 - Dial-In: +1 253 215 8782; Meeting ID 892 2765 7895; Passcode: 318604
- 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, JULY 20, 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. July 6, 2022 Council Meeting
2. July 6, 2022 Public Hearings re: Bill No. 2868, Bill No. 2869, and Bill No. 2870

E. CONSENT CALENDAR:

1. [C 2022-155](#) Communication (07/05/2022) from the Mayor, transmitting for Council consideration and confirmation, the reappointment of John Latkiewicz to the Board of Ethics – Term ending 12/31/2024. ***(See Resolution No. 2022-26)***

F. COMMUNICATIONS:

1. [C 2022-156](#) Communication (06/27/2022) from the Director of Finance, requesting Council approval, to accept the terms contained in the Standard Terms & Conditions of the Trepp, Inc. contract for Real Property Assessments, to provide the County with data and analytics of appraisal data such as comparable property data, benchmarks, historical financials, appraised values, and property subtypes.
2. [C 2022-157](#) Communication (06/28/2022) from the Chief of Police, Deputy Chief of Police, and Elliott K. Ke, Assistant Chief, Patrol Services Bureau, requesting Council approval to receive and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions for the first quarter, with a total anticipated amount for the Fiscal Year of \$402,612.00, and approval to indemnify the State of Hawai‘i, Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contracted period of July 1, 2022 to June 30, 2023.

3. [C 2022-158](#) Communication (06/28/2022) from the Deputy Planning Director, requesting Council approval to receive and expend Federal/State funds for the Hawai'i Coastal Zone Management (CZM) Program in an amount up to \$354,947.00, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the program. This reoccurring pass-through grant will be utilized to continue the implementation of the CZM Program on Kaua'i commencing July 1, 2022 to June 30, 2023 and be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kaua'i and Shoreline Setback provisions of Chapter 8, Kaua'i County Code 1987, as amended.
4. [C 2022-159](#) Communication (07/05/2022) from the Housing Director, requesting Council approval to engage with Hawai'i Data Collaborative, to conduct a study of financial need and housing affordability on Kaua'i. The proposed project has an estimated value of \$40,000.00.
5. [C 2022-160](#) Communication (07/07/2022) from the Chief of Police, Deputy Chief of Police, and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) Grant (Grant Award No. G21H10002A) funding from the Office of National Drug Control Policy, in an additional amount of \$2,500.00 for a new award total of \$144,100.00, to send three (3) officers to the statewide D.A.R.E. training on O'ahu, purchase prevention-related supplies, such as drug prevention videos and media, and conduct D.A.R.E. training in schools.
6. [C 2022-161](#) Communication (07/08/2022) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2022-886, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For the Fiscal Year July 1, 2022 Through June 30, 2023, By Revising The Amounts Estimated In The General Fund, for the transfer of Position No. 1202, Parks Project Manager to Project Manager, inclusive of salary and fringe benefits, from the Department of Parks & Recreation to the Department of Public Works, to unify the County's Project Managers under a single department. ***(See Proposed Draft Bill (No. 2876))***

7. [C 2022-162](#) Communication (07/12/2022) from Councilmember Evslin and Councilmember Kualii, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8 (Comprehensive Zoning Ordinance), Chapter 12 (Building Code), And Chapter 13 (Electrical Code), Kaua'i County Code 1987, As Amended, Relating To Electric Vehicle Charging Infrastructure Requirements For Parking. (*See Proposed Draft Bill (No. 2877)*)

G. COMMITTEE REPORTS:

1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2022-04:** on 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, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES [**Approved.**]

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2022-11:** on 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 [**Approved.**]
- b. **CR-COW 2022-12:** on 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 [**Approved.**]
- c. **CR-COW 2022-13:** on 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 [**Approved.**]
- d. **CR-COW 2022-14:** on 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 [**Approved.**]

- e. **CR-COW 2022-15:** on 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 **[Approved.]**

H. RESOLUTION:

1. [Resolution No. 2022-26](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*John Latkiewicz*)

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2876\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Department of Public Works Project Manager Transfer - \$118,177.00*)

2. [Proposed Draft Bill \(No. 2877\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING

J. BILLS FOR SECOND READING:

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 (*See also CR-FED 2022-04; the Finance & Economic Committee recommended approval on second and final reading.*)

2. [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 (*See also CR-COW 2022-11; the Committee of the Whole recommended approval on second and final reading.*)

3. [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 (*See also CR-COW 2022-12; the Committee of the Whole recommended approval on second and final reading.*)

4. [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 (*See also CR-COW 2022-13; the Committee of the Whole recommended approval on second and final reading.*)

5. [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 (*See also CR-COW 2022-14; the Committee of the Whole recommended approval on second and final reading.*)

6. [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 (*See also CR-COW 2022-15; 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-1078 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (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 two (2) workers' compensation claims. 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.

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; 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 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. [Resolution No. 2022-22](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO A HOUSING DEVELOPMENT FUND
 2. [Bill No. 2871](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES
 3. [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*)
- 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.