

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
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, 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.
- 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, Lihu'e, Hawai'i 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/KauaiCountyCouncil081722>.
 - Video: Meeting ID: 850 4365 0888; Passcode: z4Aekm
 - Dial-In: +1 253 215 8782; Meeting ID: 850 4365 0888; Passcode: 500753
- 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, AUGUST 17, 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. August 3, 2022 Council Meeting
2. August 3, 2022 Public Hearings re: Bill No. 2873, Bill No. 2874, and Bill No. 2875

E. CONSENT CALENDAR:

1. [C 2022-177](#) Communication (05/23/2022) from the Director of Finance, transmitting for Council information, Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i. *(Copies of the Period 10 Report as of April 30, 2022 on file in the Office of the County Clerk.)*
2. [C 2022-178](#) Communication (07/12/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Shelley Konishi to the Civil Service Commission – Term ending 12/31/2024. ***(See Resolution No. 2022-29)***
3. [C 2022-179](#) Communication (07/25/2022) from Councilmember Evslyn, transmitting for Council consideration and confirmation, the appointment of Mai Shintani to the Public Access, Open Space, Natural Resources Preservation Fund Commission (At-Large) – Term ending 12/31/2023. ***(See Resolution No. 2022-30)***

F. COMMUNICATIONS:

1. [C 2022-180](#) Communication (07/14/2022) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.
2. [C 2022-181](#) Communication (07/21/2022) from the Chief of Police, Deputy Chief of Police, and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to receive and expend State funds, not to exceed \$11,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as reimbursement for the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258, prohibiting tobacco sales to minors via Memorandum of Agreement 2022-PB-002 Modification 1 effective September 1, 2022 through August 31, 2023.
3. [C 2022-182](#) Communication (07/25/2022) from the Director of Finance, requesting Council approval of the acceptance of legal terms and conditions from Quest Kace, vendor for the County's systems management and systems deployment software.
4. [C 2022-183](#) Communication (07/28/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend the State Land Use District boundary concerning a parcel in Kapa'a Homesteads, Kaua'i and to amend Chapter 8, Kaua'i County Code 1987, as amended, to change the zoning designation for this same parcel from Agriculture District (A) to Residential District (R-1). (*Copies of the Draft Ordinance for State Land Use Boundary Amendment (A-2022-1) and Zoning Amendment (ZA-2022-13); Planning Commission's Agenda dated July 26, 2022, Director's Report dated July 15, 2022 with exhibits, and Draft Planning Commission Meeting Minutes (A-2022-1 and ZA-2022-13) on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2880) and Proposed Draft Bill (No. 2881)**)
5. [C 2022-184](#) Communication (07/29/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Educational Campgrounds. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-10); Planning Commission's Agenda dated July 26, 2022, Director's Report dated July 1, 2022 with exhibits and Draft Planning Commission Meeting Minutes (ZA-2022-10), on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2882)**)

6. [C 2022-185](#) Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the State of Hawai'i Organization of Police Officers (SHOPO) Bargaining Unit 12 for the period July 1, 2021 through June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B. (*Arbitration Panel's Award and Decision for Bargaining Unit 12 on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2883)**)

7. [C 2022-186](#) Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 15 (Ocean Safety Officers) for period July 1, 2021 to June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B. (*Arbitration Panel's Award and Decision for Bargaining Unit 15 on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2884)**)

8. [C 2022-187](#) Communication (08/03/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 10, Article 3, Kaua'i County Code 1987, as amended, relating to the West Kaua'i Community Plan Implementing Ordinance, to implement Form-Based Code for Plantation Camps. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-9); Planning Commission's Agendas dated July 12, 2022 and July 26, 2022, Director's Reports dated June 30, 2022 and July 18, 2022 and Draft Planning Commission Meeting Minutes (ZA-2022-9); Agency Comments, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2885)**)

9. [C 2022-188](#) Communication (08/03/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Article 1 of Chapter 8, Kaua'i County Code 1987, as amended, relating to Definitions in the Comprehensive Zoning Ordinance (CZO). (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-14); Planning Commission's Agenda dated July 26, 2022, Director's Report dated July 20, 2022 and Draft Planning Commission Meeting Minutes (ZA-2022-14), on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2886)**)

10. [C 2022-189](#) Communication (08/08/2022) from the Chief of Police, Deputy Chief of Police, and Bryson M. Ponce, Assistant Chief of Police, requesting Council approval to accept reimbursement, in the amount of \$3,932.38, from the United States Marshals Service via Memorandum of Understanding (MOU) pursuant to 28 U.S.C. Section 566(e)(1) and 34 U.S.C. Section 20941, for equipment costs to conduct countywide sex offender registration enforcement and compliance.

G. CLAIM:

1. [C 2022-190](#) Communication (07/26/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Clerkin, Sinclair and Mahfouz, LLP for USAA General Indemnity Company as subrogee for Stephen O'Donnell and Novelita Peralty, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2022-06:** Bill No. 2862 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES [**Approved as Amended.**]
- b. **CR-FED 2022-07:** Bill No. 2871 A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES [**Approved.**]
- c. **CR-FED 2022-08:** Bill No. 2872 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tiered Residential Investor & Vacation Rental Tax Classifications*) [**Approved.**]

I. RESOLUTIONS:

1. [Resolution No. 2022-29](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Shelley Konishi*)
2. [Resolution No. 2022-30](#) – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Mai Shintani – At-Large*)

J. BILLS FOR FIRST READING:

- 1. [Proposed Draft Bill \(No. 2859\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (**Referred to the Planning Commission on May 18, 2022**)

- 2. [Proposed Draft Bill \(No. 2880\)](#) – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1)

- 3. [Proposed Draft Bill \(No. 2881\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13)

- 4. [Proposed Draft Bill \(No. 2882\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10)

- 5. [Proposed Draft Bill \(No. 2883\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

- 6. [Proposed Draft Bill \(No. 2884\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

- 7. [Proposed Draft Bill \(No. 2885\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9)

- 8. [Proposed Draft Bill \(No. 2886\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kauai Planning Department, Applicant*) (ZA-2022-14)

K. BILLS FOR SECOND READING:

1. [Bill No. 2862, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*See also CR-FED 2022-06; the Finance & Economic Development Committee recommended approval of Bill No. 2862, Draft 1 on second and final reading on August 3, 2022.*)

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 (*See also CR-FED 2022-07; the Finance & Economic Development Committee recommended approval on second and final reading.*)

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*) (*See also CR-FED 2022-08; the Finance & Economic Development Committee recommended approval on second and final reading.*)

L. 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-1080 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority in the matter of Grove Farm Company, Incorporated vs. County of Kauai, et al., Civil No. 5CCV-22-0000057 (Fifth Circuit Court). 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.

M. ADJOURNMENT.

- N. 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, Lihue, 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. 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*)

- O. 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.