

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

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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 and Governor David Y. Ige's Emergency Proclamation Related to Sunshine Law In-Person Meetings dated December 29, 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.
- 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 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 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. Anyone interested in providing oral testimony shall 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.
- 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, JANUARY 12, 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. December 15, 2021 Council Meeting
2. December 15, 2021 Public Hearing re: Bill No. 2841

E. INTERVIEW:

1. FIRE COMMISSION:

- [Rodney N. Yama](#) – Term ending 12/31/2024

2. POLICE COMMISSION:

- [Andrew M. Bestwick](#) – Term ending 12/31/2024

F. CONSENT CALENDAR:

1. [C 2022-01](#) Communication (12/03/2021) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC’s slate of officers for the HSAC Executive Committee for the term beginning January 1, 2022 and ending no later than January 31, 2023, pursuant to Section 5 of the HSAC Bylaws of the Hawai‘i State Association of Counties, Inc. ***(See Resolution No. 2022-01)***

G. COMMUNICATIONS:

1. [C 2022-02](#) Communication (12/07/2021) from the Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or Grounds, including but not limited to: Kapa'a Elementary School, King Kaumuali'i Elementary School, Elsie H. Wilcox Elementary School, Chiefess Kamakahelei Middle School, Kaua'i High School, and Waimea High School, for recruitment testing/examination purposes in calendar year 2022.

2. [C 2022-03](#) Communication (12/14/2021) from the Housing Director, requesting Council approval to perform the following:
 - a. Exercise the County of Kaua'i's first right to repurchase a residential unit at 4227 Kanikele Street, Kilauea, Hawai'i, 96754, Kilauea Estates, Tax Map Key (TMK): (4) 5-2-023-016-001, for a purchase price of not more than \$358,777.00, based on the payoff calculation in the Calculation of the Formula Price;
 - b. Leasehold resale of 4227 Kanikele Street, Kilauea, Hawai'i, 96754, Kilauea Estates, for not more than \$358,777.00; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

3. [C 2022-04](#) Communication (12/16/2021) from the Fire Chief, requesting Council approval to accept a donation from Walter & Tina Marie Panzirer via the Friends of the Kaua'i Fire Department of eight (8) Physio-Control Lucas 3 Chest Compression Devices with service agreement and indemnification provisions, valued at \$134,891.44, to be used by Kaua'i Fire Department personnel.

4. [C 2022-05](#) Communication (12/17/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$5,051.00 for the Fiscal Year 2022, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

5. [C 2022-06](#) Communication (12/17/2021) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Public Parks And Recreation, And Chapter 22, Kaua'i County Code 1987, As Amended, Relating To General Provisions Relating To Public Health, Safety And Welfare. ***(See Proposed Draft Bill (No. 2842))***

6. [C 2022-07](#) Communication (12/21/2021) from Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Section 19-1.9, Kaua'i County Code 1987, As Amended, Relating To Schedule Of Fees And Deposits, and transmitting for Council approval, a Resolution Designating Black Pot Beach Park, Lydgate Beach Park, And Po'ipū Beach Park As Managed Parking Zones Subject To Parking Fees, to establish managed parking zones and fees for non-residents at the aforementioned County parks. ***(See Resolution No. 2022-02 and Proposed Draft Bill (No. 2843))***

H. LEGAL DOCUMENT:

1. [C 2022-08](#) Communication (12/15/2021) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreement with Niu Pia Land Company for the Kaua'i Shores Property, to provide parking tire stops (bumpers) to mitigate the potential impact of the shared-use path immediately adjacent to the property situated at Tax Map Key (TMK) No. (4) 4-3-002:012, Kapa'a, Kaua'i, Hawai'i. The improvements will be built using Federal Highway Administration funds.

- Property Adjustment Agreement

I. CLAIMS:

1. [C 2022-09](#) Communication (12/06/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kahealani Kolo, for damage to a vehicle and personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2022-10](#) Communication (12/20/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Dan Suess, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. RESOLUTIONS:

1. [Resolution No. 2022-01](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR CALENDAR YEAR 2022

2. [Resolution No. 2022-02](#) – RESOLUTION DESIGNATING BLACK POT BEACH PARK, LYDGATE BEACH PARK, AND PO'IPŪ BEACH PARK AS MANAGED PARKING ZONES SUBJECT TO PARKING FEES

K. BILLS FOR FIRST READING:

1. [Proposed Draft 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

2. [Proposed Draft Bill \(No. 2843\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS

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.)*

M. ADJOURNMENT.

- N. 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 Sunshine Law In-Person Meetings dated December 29, 2021, 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. Anyone interested in providing oral testimony shall 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. 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. 2834](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE
- 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.