

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 and Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) dated January 26, 2022, 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.
- 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 (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 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. 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/KauaiCountyCouncil032322>.
 - Video: Meeting ID 861 8614 5386; Passcode: m5crg8
 - Dial-In: +1 253 215 8782; Meeting ID 861 8614 5386; Passcode: 071267
- 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, MARCH 23, 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 9, 2022 Council Meeting
2. March 9, 2022 Public Hearing re: Bill No. 2844

E. CONSENT CALENDAR:

1. [C 2022-53](#) Communication (02/22/2022) from the Director of Finance, transmitting for Council information, the County of Kaua‘i 2022 Real Property Assessment List pursuant to Section 5A-2.2, Kaua‘i County Code 1987, as amended. *(2022 Real Property Assessment List on file in the Office of the County Clerk.)*

2. [C 2022-54](#) Communication (02/23/2022) from the Acting County Engineer, transmitting for Council consideration, A Resolution Authorizing The Installation Of A Speed Hump Along Moanakai Road, Kawaihau District, County Of Kaua‘i ***(See Resolution No. 2022-11)***

3. [C 2022-55](#) Communication (02/23/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Gerald S. Matsunaga to the Liquor Control Commission – Term ending 12/31/2024. ***(See Resolution No. 2022-12)***

4. [C 2022-56](#) Communication (02/24/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Howard J. Leslie to the Salary Commission – Term ending 12/31/2023. (*See Resolution No. 2022-13*)

5. [C 2022-57](#) Communication (03/11/2022) from the Director of Finance, transmitting for Council consideration, a Resolution Approving The Issuance Of Up To \$40,000,000 Aggregate Principal Amount Of Special Tax Revenue Bonds Of The County Of Kaua'i For The County's Community Facilities District No. 2008-1 (Kukui'ula Development Project); Authorizing The Application Of The Proceeds Of The Bonds, Together With Certain Other Available Funds, To Refund Certain Special Tax Revenue Bonds Previously Issued For The District And To Fund The Costs Of Certain Facilities Relating To Such District; Approving The Forms Of The Second Supplemental Trust Indenture, Preliminary Official Statement, Bond Purchase Agreement And Continuing Disclosure Agreements Relating To The Bonds; And Authorizing The Taking Of Further Actions Relating To The Bonds. (*Second Supplemental Trust Indenture, Second Amendment to the Acquisition and Funding Agreement, Preliminary Official Statement, Appraisal of Real Property Report, Bond Purchase Agreement, County's Continuing Disclosure Agreement, and Developer's Continuing Disclosure Agreement on file in the Office of the County Clerk.*) (*See Resolution No. 2022-14*)

6. [C 2022-58](#) Communication (03/14/2022) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures which have been factored in with the existing real property tax rates, and based on the certified Real Property Assessment List for Fiscal Year 2023.

7. [C 2022-59](#) Communication (03/14/2022) from the Director of Human Resources, transmitting for Council information, the March 15, 2022 Human Resources Reports (Vacancy Report and Recruitment Status Report), pursuant to Section 24 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022.

F. COMMUNICATIONS:

1. [C 2022-60](#) Communication (01/31/2022) from Council Chair Kaneshiro, requesting the presence of the Managing Director and the Director of Finance, to discuss the [Annual Comprehensive Financial Report \(ACFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2021.

2. [C 2022-61](#) Communication (03/02/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$179,322.00, 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, homemaker, Kūpuna care transportation, personal care, and home-delivered meals, for the period July 1, 2019 and runs through June 30, 2025.

3. [C 2022-62](#) Communication (03/04/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$50,543.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2022.

4. [C 2022-63](#) Communication (03/10/2022) from the Executive on Aging, requesting Council approval of the corrected contract time period of March 1, 2022 to February 29, 2024, for the Senior Center Services Contract Log No. 22-163 previously approved under Council agenda item C 2021-234 (October 20, 2021 Council Meeting).

5. [C 2022-64](#) Communication (03/10/2022) from the Housing Director, requesting Council approval to perform the following:
 - a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 3310 Kanakolu Street, Līhu'e, Hawai'i, 96766, Tax Map Key (TMK): (4) 3-8-015:023, for a purchase price of not more than \$660,100.00, based on the 2021 County of Kaua'i For Sale Limits by Bedroom Count, 120% HUD Income Limits;
 - b. Resale by leasehold of 3310 Kanakolu Street, Līhu'e, Hawai'i, 96766, for not more than the leasehold market appraisal, which will be obtained as part of this transaction; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

6. [C 2022-65](#) Communication (03/10/2022) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant funding in the amount of \$26,000,000.00, and to indemnify the United States Department of Transportation, Federal Highway Administration, and the Hawai'i Department of Transportation, for the Po'ipū Road Mobility and Safety Project.

7. [C 2022-66](#) Communication (03/11/2022) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 14, Kaua'i County Code 1987, As Amended, Relating To The Plumbing Code. ***(See Proposed Draft Bill (No. 2853))***

8. [C 2022-67](#) Communication (03/15/2022) from the Mayor, transmitting his Fiscal Year 2022-2023 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees. ***(Detailed Line Item Budget on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2851), Proposed Draft Bill (No. 2852), and the proposed Fiscal Year 2022-2023 Real Property Tax Rate Resolution No. 2022-10)***

G. COMMITTEE REPORTS:1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2022-02:** on PRT 2022-01 Communication (02/10/2022) from Councilmember Cowden, requesting agenda time for a discussion on endangered seabirds, feral cats, and plans for cat sanctuaries on Kaua'i. **[Received for the Record.]**
- b. **CR-PRT 2022-03:** on 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 **[Approved as Amended.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2022-03:** on PL 2022-03 Communication (02/17/2022) from the Planning Director, requesting agenda time to present the Waimea 400 Conceptual Master Plan. **[Received for the Record.]**

3. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-HIR 2022-01:** on HIR 2022-01 Communication (02/09/2022) from Councilmember Cowden, requesting agenda time for an informational briefing from members who attended the 2022 National Association of Counties (NACo) Legislative Conference held from February 12-16, 2022, in Washington, D.C. **[Received for the Record.]**

H. RESOLUTIONS:

1. [Resolution No. 2022-10](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 FOR THE COUNTY OF KAUAI

2. [Resolution No. 2022-11](#) – RESOLUTION AUTHORIZING THE INSTALLATION OF A SPEED HUMP ALONG MOANAKAI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

3. [Resolution No. 2022-12](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gerald S. Matsunaga*)

4. [Resolution No. 2022-13](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Howard J. Leslie*)

5. [Resolution No. 2022-14](#) – RESOLUTION APPROVING THE ISSUANCE OF UP TO \$40,000,000 AGGREGATE PRINCIPAL AMOUNT OF SPECIAL TAX REVENUE BONDS OF THE COUNTY OF KAUAI FOR THE COUNTY'S COMMUNITY FACILITIES DISTRICT NO. 2008-1 (KUKUI'ULA DEVELOPMENT PROJECT); AUTHORIZING THE APPLICATION OF THE PROCEEDS OF THE BONDS, TOGETHER WITH CERTAIN OTHER AVAILABLE FUNDS, TO REFUND CERTAIN SPECIAL TAX REVENUE BONDS PREVIOUSLY ISSUED FOR THE DISTRICT AND TO FUND THE COSTS OF CERTAIN FACILITIES RELATING TO SUCH DISTRICT; APPROVING THE FORMS OF THE SECOND SUPPLEMENTAL TRUST INDENTURE, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENTS RELATING TO THE BONDS; AND AUTHORIZING THE TAKING OF FURTHER ACTIONS RELATING TO THE BONDS

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2851\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 Operating Budget*)

2. [Proposed Draft Bill \(No. 2852\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 (*Fiscal Year 2022-2023 CIP Budget*)

3. [Proposed Draft Bill \(No. 2853\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE

J. BILL FOR SECOND READING:

1. [Bill No. 2843, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS (*See also CR-PRT 2022-03; the Parks & Recreation / Transportation Committee recommended approval as amended to Bill No. 2843, Draft 1 on March 9, 2022.*)

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.)*

L. ADJOURNMENT.

M. 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 COVID-19 (Omicron Variant) dated January 26, 2022, 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. 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 cokouncil@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, 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 cokouncil@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. 2845](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11.26, AND SECTION 5A-9.1(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tree Farm Development Exemption*)
2. [Bill No. 2846](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 10, RELATING TO VALUATION OF WASTELAND
3. [Bill No. 2847](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING SECTION 5A-11.25, RELATING TO ORCHARD DEVELOPMENT EXEMPTION
4. [Bill No. 2848](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00*)
5. [Bill No. 2849](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kaumumene (Hideaways Beach) CIP Budget – \$1,500,000.00*)

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.