

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, Kauai, Hawaii 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 Kauai 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, 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. 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 26, 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. January 12, 2022 Council Meeting
2. January 12, 2022 Public Hearing re: Bill No. 2834

E. CONSENT CALENDAR:

1. [C 2022-11](#) Communication (11/16/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Rodney N. Yama to the Fire Commission – Term ending 12/31/2024. (*See Resolution No. 2022-03*)
2. [C 2022-12](#) Communication (12/16/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Andrew M. Bestwick to the Police Commission – Term ending 12/31/2024. (*See Resolution No. 2022-04*)
3. [C 2022-13](#) Communication (01/03/2022) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 17 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2021-2022.

4. [C 2022-14](#) Communication (01/13/2022) from Charles A. Foster, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from October 1, 2021 through December 31, 2021.

F. COMMUNICATIONS:

1. [C 2022-15](#) Communication (01/05/2022) from the Fire Chief, requesting Council approval to accept a donation of one (1) Solar PA System for the Keālia Lifeguard Tower, valued at \$3,979.06, from the Kaua'i Lifeguard Association (KLA), on behalf of Nathan Wood General Contractor, LLC.

2. [C 2022-16](#) Communication (01/10/2022) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of Section 5.3 Site Issues and Section 7.3 Customer Indemnity terms and conditions of the Motorola Computer Aided Dispatching (CAD) / Records Management System (RMS) contract documents for a five-year multi-term contract for service, maintenance, and upgrades.

3. [C 2022-17](#) Communication (01/12/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$6,408.00, for the second 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 \$11,459.00), and to indemnify the State Executive Office on Aging.

G. CLAIM:

1. [C 2022-18](#) Communication (01/07/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sammy Perpose, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2022-01:** on PWVS 2022-01 Communication (12/21/2021) from Council Chair Kaneshiro, requesting the presence of the Acting County Engineer, to provide a briefing regarding the siting of a new landfill. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2022-01:** on COW 2022-01 Communication (12/23/2021) from Councilmember Cowden, requesting the presence of the Managing Director, to provide a briefing regarding the status of funding in the amount of \$38,542,373.54, from the State of Hawai'i, pursuant to Act 12, Session Laws of Hawai'i (SLH) 2018 as amended by Act 35, SLH 2019, relating to flood risk mitigation. **[Received for the Record.]**
- b. **CR-COW 2022-02:** on Bill No. 2841 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 GENERAL FUND (*Liability Insurance Premiums – \$315,000.00*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2022-03](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Rodney N. Yama*)

2. [Resolution No. 2022-04](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Andrew M. Bestwick*)

J. BILL FOR SECOND READING:

1. [Bill No. 2841](#) – 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 GENERAL FUND (*Liability Insurance Premiums – \$315,000.00*) (*See also CR-COW 2022-02; 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-1069 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauai County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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.

L. ADJOURNMENT.

M. 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.**