

## COUNCIL MEETING

MAY 19, 2021

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, May 19, 2021 at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.  
Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Luke A. Evslin  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Good morning. Today's meeting will be conducted pursuant to Governor Ige's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Nineteenth Supplementary Emergency Proclamation dated April 9, 2021. For the record, we have no registered speakers today for any of our agenda items.

### APPROVAL OF AGENDA.

Councilmember Carvalho moved for approval of the agenda, as circulated, seconded by Councilmember Kualii.

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

### MINUTES of the following meetings of the Council:

May 5, 2021 Council Meeting  
May 5, 2021 Public Hearing re: Bill No. 2823  
May 12, 2021 Public Hearing re: Resolution No. 2021-14, Bill No. 2818, and Bill No. 2819

Councilmember Kuali'i moved to approve the Minutes, as circulated, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion on these items from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)*

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next up we have an interview for the Liquor Control Commission for Tess Shimabukuro.

There being no objections, the rules were suspended.

#### INTERVIEW:

#### LIQUOR CONTROL COMMISSION:

- Tess Kimie Shimabukuro – Term ending 12/31/2023

ELLEN CHING, Boards & Commissions Administrator (*via remote technology*): Good morning, Council Chair. I am pleased to introduce to you Tess Shimabukuro, the President and Chief Executive Officer (CEO) of Gather Federal Credit Union. As president, Tess is responsible for planning and directing all credit union activities. This includes business strategies, investments and loan policies, capital planning, and fund and risk management. Tess is an established leader in our financial institutions with a career that spans thirty-six (36) years. A local girl and a proud graduate of Kaua'i High School, Tess also holds a Bachelor's Degree in Business Administration from Oregon State University and a Master's in Taxation from the University of Denver. With the little free time that she has, you can often find her doing yardwork and daydreaming of a second trip to Japan to enjoy all the sites, sounds, and eats it has to offer. With a new Liquor Control Director joining the Department shortly, I appreciate Tess' expertise in business administration and strategic planning, and I am grateful for her willingness to volunteer her time and talent. I apologize for not being able to join you on Microsoft Teams, but I am not able to connect. I hope everything came through audibly. Thank you.

Council Chair Kaneshiro: Thank you, Ellen. Hi, Tess, is there anything else you would like to add to that introduction?

TESS SHIMABUKURO (*via remote technology*): No, thank you.

Council Chair Kaneshiro: Are there any questions from the Members for Tess? Councilmember Cowden, then Councilmember Carvalho.

Councilmember Cowden: Thank you, Tess, for doing this and I appreciate your strong experience at the Credit Union. What motivated you to have this extra task?

Ms. Shimabukuro: Quite honestly, it did come as a little bit of a surprise. I have never served in any government capacity. My only service has been for nonprofit organizations outside of the Credit Union. I thought about it and read what the Commission is tasked to do, and I thought that this would still be serving the island community, which I have pledged to do in my personal and professional lives...the Liquor Control Commission could expand my service even further by keeping the island safe.

Councilmember Cowden: Thank you so much. The Credit Union, as far as I know, those are just individual accounts, right? They do not include business accounts. Do you work with restaurants or bars in your work with the Credit Union?

Ms. Shimabukuro: We probably might have some accounts, but I am not aware of those specific establishments. Just for some history, you are correct, credit unions were formed by individuals needing financial services. As time progressed, credit unions, large ones especially, have expanded into commercial and business accounts. Here at the Credit Union we focus on a very small amount of commercial accounts, typically mom and pop shops. We do not do (inaudible) currency or anything like that. We may have accounts, none to my knowledge though, that are either sole proprietors or that type that maybe own a liquor or related business.

Councilmember Cowden: Okay. Have you ever had any experience in the liquor industry?

Ms. Shimabukuro: No, not at all.

Councilmember Cowden: We thank you for your willingness to serve in this capacity. This is an industry that has had a very, very rough year. Hopefully it is moving into recovery, but there are a lot of nuances in that industry that might be beneficial. I am sure you are going to learn as much as you can about that industry. Thank you.

Ms. Shimabukuro: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: *Aloha* Tess. I just want to say *mahalo* to you for stepping up to serve on this Commission. You bring to the table a wealth of experience from both the financial and community sides. I know. Maybe you do not have so much experience with the liquor side, but I think you really bring that opportunity to bridge and connect, and I think that is what is awesome about you. When I saw this, I thought that this was great that you would be a part of our team. I just wanted to thank you for your service and for the work that you have done in so

many different ways. I know that. I look forward to your presence on the Liquor Control Commission. *Mahalo.*

Ms. Shimabukuro: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: How are you? I have a question and it is not related to your experience. Trey, the quarterback for Kaua'i High School, is that your son?

Ms. Shimabukuro: Yes.

Councilmember DeCosta: I need to tell you that your son was an inspirational leader for my son, who is still in high school, growing up playing flag football and Pop Warner. He idolizes your son as a quarterback. I always say that you can judge a person by how well they raised their children. You raised a fine gentleman in my eyes. We are happy to have you aboard our team.

Ms. Shimabukuro: My goodness. Thank you. As a mother, I have to say that he may not be as fine at home, right?

Councilmember DeCosta: They are all nothing like that at home. Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? Council Vice Chair Chock.

Councilmember Chock: Tess, I also wanted to thank you for your willing to serve. There is a little bit of a transition happening at the Department of Liquor Control in regards to their leadership. Definitely, you coming on board will add more to the Commission as well. As we look at budget shortfalls, this has been a piece and question that I think everyone has been asking about. You are going to be walking into this with your hands full, but I know you are up to the task. I just appreciate you being there.

Ms. Shimabukuro: Thank you very much. I appreciate that.

Council Chair Kaneshiro: Does anyone else have any questions? If not, I just want to thank you for volunteering your time. The Liquor Control Commission's duties are to grant, suspend, and revoke licenses; review complaints and citations regarding violations; and impose penalties and fines. I do know that the Liquor Control Commission cannot appoint anyone involved in the manufacture or sale of liquor, as that would end up being a conflict of interest.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Tess, I think you are great. You are always out in the public. You are a very professional person. You are a great community

support person. You will be a great addition to the Liquor Control Commission. Are there any further questions or discussion from the Members? If not, thank you, Tess. We will be voting on this at our next meeting.

Ms. Shimabukuro: Thank you very much. I appreciate it.

The meeting was called back to order and proceeded as follows:

CONSENT CALENDAR:

C 2021-115 Communication (04/29/2021) from the Director of Human Resources, transmitting for Council information, the May 1, 2021 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

C 2021-116 Communication (05/04/2021) from the Director of Finance, transmitting for Council information, the following reports:

- a. County of Kaua'i Bond Summary of General Long-Term Debt Rollforward for the period July 1, 2020 through May 4, 2021; Rollforward for Fiscal Year 2021;
- b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of May 4, 2021 and June 30, 2021; and Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of May 4, 2021 and June 30, 2021: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds, Series 2012 and Series 2019.

C 2021-117 Communication (05/05/2021) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 8, 2021.

C 2021-118 Communication (05/05/2021) from the Acting County Engineer, transmitting a Resolution Amending Resolution No. 2021-09, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Waimea R-1 Wastewater Distribution System Upgrades, Project No. C150047-09.

Councilmember Kualii moved to receive C 2021-115, C 2021-116, C 2021-117, and C 2021-118 for the record, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)*

The motion to receive C 2021-115, C 2021-116, C 2021-117, and C 2021-118 for the record was then put, and unanimously carried.

COMMUNICATIONS:

C 2021-119 Communication (04/26/2021) from the Chief of Police and Elliott Ke, Assistant Chief of Police, Administrative & Technical Bureau, 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 overtime expenditures associated with the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258 prohibiting tobacco sales to minors via Memorandum of Agreement 2022-PB-002 effective September 1, 2021 through August 31, 2022.

Councilmember Kualii moved to approve C 2021-119, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: We received no written testimony on this item. Do we have any questions from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve C 2021-119 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-120 Communication (04/29/2021) from the Chief of Police and Elliott Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval to apply for, receive, and expend Federal funds, in the estimated amount of \$8,000.00, from the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Grant funding program, for replacement of bulletproof vests to ensure officer safety. The grant program has a local match of fifty percent (50%) from the Kaua'i Police Department (Account No. 001-1003-551-65-00, Collective Bargaining) for the acquisition of the bulletproof (protective) vests and related accessories to be utilized by the officers of the Kaua'i Police Department.

Councilmember Carvalho moved to approve C 2021-120, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just want to appreciate the importance of keeping our officers safe and keeping them up-to-date is a good thing. I appreciate the effort by the Police Department for both this and the preceding communication.

Council Chair Kaneshiro: Does anyone else have any discussion?

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve C 2021-120 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

C 2021-121 Communication (04/30/2021) from the Director of Finance, requesting Council approval to amend the appropriations amount provided to the County of Kaua'i by the State Legislature through its Regular Session, Act 40 (2019), as amended by Act 6 (2020), which was approved by the Council on October 21, 2020 as agenda item C 2020-253. The amended appropriation amount is \$12,680,000.00; the previous communication incorrectly included the County's required match as part of the State's Appropriation and an incorrect aggregate appropriation amount of \$15,500,000.00.

Councilmember Kualii moved to approve C 2021-121, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Do we have any questions from the Members? This is basically correcting a communication that came in earlier. Are there any questions from the Members?

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Reiko, does this mean that we now have a little bit more money? Almost three million dollars (\$3,000,000) more? Do I have that right, or do we have that much less?

Council Chair Kaneshiro: We have a little less.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: The original amount included the State's portion plus the County's matching portion. They thought we were getting approximately fifteen million dollars (\$15,000,000) from the State, but when they double-checked it, they noticed that our matching amount was included. They then needed to come back to the Council to approve the split amount. We are getting twelve million six hundred thousand dollars (\$12,600,000) from the State and the County's

matching portion is approximately two million eight hundred thousand dollars (\$2,800,000).

Councilmember Cowden: Is this coming out of our last budget or the one moving forward?

REIKO MATSUYAMA, Director of Finance (*via remote technology*): It is coming out of the one moving forward and Act 12.

Councilmember Cowden: Act 12, which is our Federal Emergency Management Agency (FEMA) moneys?

Ms. Matsuyama: No, Act 12 is our RAIN18 funds from the State.

Councilmember Cowden: Okay. No, those are our FEMA moneys. So, Act 12. We are getting almost three million dollars (\$3,000,000) less than we were planning to get. We were getting approximately thirty-nine million dollars (\$39,000,000) and so are we now getting less?

Ms. Matsuyama: The plan was always to get the twelve million six hundred thousand dollars (\$12,600,000). We incorrectly included the County's match when we came over for Council approval.

Councilmember Kualii: It is not coming from the State, it is coming from the County.

Ms. Matsuyama: We only realized this once we went over to ask for the release of the funds. They told us that our transmittal was inadequate.

Councilmember Cowden: Are different groups in Waimea or the North Shore, expecting a certain amount of money and will they be getting less than they thought or was this just a bookkeeping error? Will this be impacting their expectation?

Ms. Matsuyama: There will be no impact to their expectation.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: They have all the projects set already as far as how much is going to each via the State's appropriation and the County's match. You can see that the projects are for Hanapēpē Stadium, Kīlauea Gymnasium, and Anahola Sports Complex, which would be the County's projects. They have some Department of Water projects also, but as Reiko said, none of the projects were expecting to get the State appropriation of the total plus the County's match. They just wrote it wrong when they sent it to us. I think they were always expecting this amount of State and County-match moneys for each project.

Councilmember Cowden: Okay. I am seeing this as a little bit of a different piece.



Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I do notice that the Anahola Sports Complex has no County-match required. I am familiar with the economic development group and nonprofit in Anahola that is working on this, and Representative Nakamura, on this project. Can you tell me or tell me later, who in the County is the lead person? Is this with the Office of Economic Development, the Office of the Mayor, or the Department of Parks & Recreation?

Ms. Matsuyama: Honestly, I am not sure.

Councilmember Kualii: Okay, I will follow-up later. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members?

The meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve C 2021-121 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2021-03) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended:

“BILL NO. 2820 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*),”

A report (No. CR-FED 2021-04) submitted by the Finance & Economic Development Committee, recommending that the following be Approved as Amended:

“BILL NO. 2821 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*),”

Councilmember Kualii moved for approval of the reports, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)*

The motion for approval of the reports was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTION:

Resolution No. 2021-21 – RESOLUTION AMENDING RESOLUTION NO. 2021-09, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA R-1 WASTEWATER DISTRIBUTION SYSTEM UPGRADES, PROJECT NO. C150047-09

Councilmember Kualii moved for adoption of Resolution No. 2021-21, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: This item is just to increase the amount that we would be borrowing from the State from six million five hundred thousand dollars (\$6,500,000) to seven million five hundred thousand dollars (\$7,500,000). Are there any questions from the Members? If not, is there any final discussion from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion for adoption of Resolution No. 2021-21 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Seven (7) ayes.

Council Chair Kaneshiro: The motion is carried. Next item.

BILLS FOR SECOND READING:

Bill No. 2820, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*)

Councilmember Kualii moved to approve Bill No. 2820, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: We did receive written testimony on this item. Do we have any questions from the Members? This is on cat microchipping. If there are no questions, is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just want to acknowledge the effort that was put forward by the Kauai Humane Society. I am going to speak on both the cat and dog items that this is a good direction that will be easier on the animals, the people, the hunters, and on our Administration. We had a simple time on this, because we discussed it at length. I continue to be very supportive.

Council Chair Kaneshiro: Does anyone else have any comments? If not, we will take a roll call vote.

*(Written testimony was received for Bill No. 2820, Draft 1 and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve Bill No. 2820, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Bill No. 2821, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*)

Councilmember Carvalho moved to approve Bill No. 2821, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kualii.

Council Chair Kaneshiro: We did receive written testimony on this item. Do we have any questions from the Members? Again, this one is on the dog microchipping. Is there any final discussion from the Members? Councilmember Kualii.

Councilmember Kualii: *Mahalo nui loa* to the Kauai Humane Society for moving this issue in the right direction. I would encourage everyone to get their dogs and cats microchipped so you can find them. They are a member of your family and you love them. It makes it easier on the Kauai Humane Society to get them back to you and easier for everyone in the community as a whole. They can know that bringing them to the Kauai Humane Society means it will get back to the owner.

Council Chair Kaneshiro: Is there any additional discussion from the Members? If not, we will take a roll call vote.

*(Written testimony was received for Bill No. 2821, Draft 1 and no registered speakers requested to testify regarding this agenda item.)*

The motion to approve Bill No. 2821, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: Next up, we will read ourselves into Executive Session.

**EXECUTIVE SESSION:**

ES-1054 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 Trevor Wright vs. County of Kauai, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene into Executive Session for ES-1054, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

The motion to convene into Executive Session for ES-1054 was then put, and unanimously carried.

Council Chair Kaneshiro: That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 8:53 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk