

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

October 22, 2020

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **OCTOBER 21, 2020 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its October 21, 2020 Council Meeting:

CONSENT CALENDAR:

C 2020-249 Communication (10/01/2020) from the Deputy Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2020-2021, pursuant to Section 17 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021. ***(Received for the Record.)***

C 2020-250 Communication (10/06/2020) from Hugo D. Cabrera, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from July 1, 2020 through September 30, 2020. ***(Received for the Record.)***

C 2020-251 Communication (10/07/2020) from Councilmember Cowden, providing written disclosure of a possible conflict of interest and recusal relating to the Mayoral Reappointment of Dean A. Toyofuku to the Board of Ethics, due to an interest in a matter before the Board of Ethics. ***(Received for the Record.)***

C 2020-252 Communication (10/09/2020) from Council Chair Kaneshiro, transmitting for Council consideration and confirmation, the reappointment of Aubrey Summers to the Kaua'i Historic Preservation Review Commission (*Architecture*) – Term ending 12/31/2023. ***(Received for the Record.)***

COMMUNICATIONS:

C 2020-253 Communication (09/22/2020) from the Director of Finance and the Budget Administrator, requesting Council approval to accept and expend the appropriations provided to the County of Kaua'i by the State Legislature of 2019 at its Regular Session, Act 40, as amended by Act 6, SLH 2020 in the amount of \$15,500,000.00, via Appropriation Warrant No. 220 dated July 7, 2020 and other pertinent attachments. ***(Approved.)***

C 2020-254 Communication (09/29/2020) from Mark Begley, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$638,771.27, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following traffic-related functions: data traffic records, distracted driver, occupant protection, road blocks, speed, youth deterrence, traffic services, purchase of equipment, supplies, training, travel expenses, media expenses, et cetera. ***(Approved.)***

C 2020-255 Communication (09/30/2020) from the Executive on Transportation, requesting Council approval to receive and expend the Federal Transit Administration (FTA) Section 5311 grant, in the amount of \$1,089,829.00, and a FTA Section 5339 grant, in the amount of \$1,400,000.00, and to indemnify the FTA. The 5311 grant will be used to fund the fifty percent (50%) grant portion of bus driver wages, hourly pay, and fringe benefit line items along with other bus service needs including professional cleaning services for all vehicles and transit facilities. The 5339 grant will be used to fund the eighty percent (80%) grant portion of vehicle purchases, equipment, and transit facility maintenance expenses. ***(Approved.)***

C 2020-256 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-866, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The General Fund, to provide the initial funding to award debris removal contracts, fund repair costs to parks facilities, and replenish protective measure expenditures as a result of the March 2020 rain event. Submittal to the Federal Emergency Management Agency (FEMA) for these expenses is expected to result in a seventy-five percent (75%) reimbursement of eligible costs. ***(Received for the Record.)***

C 2020-257 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-866, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The General Fund, to fund the anticipated half year shortfall in Transient Accommodations Tax (TAT) revenue through December 31, 2020, due to COVID-19. ***(Received for the Record.)***

C 2020-258 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-866, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The General Fund, and A Bill For An Ordinance Amending Ordinance No. B-2020-867, As Amended, Relating To The Capital Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The Bond Fund And General Fund-CIP, to defund the Ho'olako/Ka'ana Parcel Improvements project and thereby restore \$1,400,000.00 to the General Fund Unassigned Fund Balance. ***(Received for the Record.)***

C 2020-259 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-866, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The General Fund, to authorize the use of General Funds for eleven (11) positions that were formerly grant-funded to receive retroactive arbitrated awards as a part of the Hawai'i Government Employees Association (HGEA). ***(Received for the Record.)***

C 2020-260 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-866, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The General Fund, to provide necessary funding to continue the County's protective measures in mitigating and managing the impacts of COVID-19 in 2021. ***(Received for the Record.)***

C 2020-261 Communication (10/08/2020) from the Director of Finance and the Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2020-867, As Amended, Relating To The Capital Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2020 Through June 30, 2021, By Revising The Amounts Estimated In The Bond Fund And General Fund-CIP, to procure a system to adequately address the Human Resource / Payroll System needs. ***(Received for the Record.)***

CLAIMS:

C 2020-262 Communication (10/01/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alan Yamamoto, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2020-263 Communication (10/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Wilber & Associates O/B/O USAA as subrogee of Shere-Khan Smoot, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2020-264 Communication (10/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Garden Isle Disposal, Inc., for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTION:

Resolution No. 2020-55 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Aubrey Summers – Architecture*) ***(Approved.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2806) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Parks & Recreation RAIN20 Event – \$660,000.00*) ***(Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.)***

Proposed Draft Bill (No. 2807) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Transient Accommodations Tax Revenue Reduction (Half Year) – \$7,467,500.00*) ***(Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.)***

Proposed Draft Bill (No. 2808) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Fund Unassigned Fund Balance (Ho'olako/Ka'ana Parcel Improvements) – \$1,400,000.00*) (**Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2809) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-867, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*Ho'olako/Ka'ana Parcel Improvements Defunding – \$4,500,000.00*) (**Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2810) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*HGEA Retroactive Raises – Grant-Funded Positions*) (**Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2811) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*COVID-19 Funding For 2021 – \$2,000,000.00*) (**Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2812) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-867, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*HRMS, Payroll & Personnel System – \$1,335,000.00*) (**Approved on 1st reading, Public Hearing scheduled for November 12, 2020, and referred to the Committee of the Whole.**)

BILLS FOR SECOND READING:

Bill No. 2774, Draft 5 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING POLICY FOR THE COUNTY OF KAUAI (**Approved.**)

Council Meeting Follow-up Memorandum to the Mayor

October 22, 2020

Page 6

Bill No. 2803 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Home Exemption Requirements*) (**Approved.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)