

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

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

December 16, 2020

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **DECEMBER 16, 2020 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its December 16, 2020 Council Meeting:

CONSENT CALENDAR:

C 2021-02 Communication (10/28/2020) from Darcie Yukimura, Chair of the Committee on the Status of Women, requesting that the Kaua'i County Council join efforts that support gender equality principles in COVID-19 recovery initiatives. ***(Received for the Record.)***

C 2021-03 Communication (11/25/2020) from the Housing Director, transmitting for Council consideration, a Resolution To Receive And Expend A Special Allocation Of Grant Funds From The Department Of Housing And Urban Development, United States of America, Authorized By The Coronavirus Aid, Relief, And Economic Security Act (CARES Act) Of 2020 (Public Law 116-136). ***(Received for the Record.)***

C 2021-04 Communication (12/02/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution appointing Mason K. Chock as Kaua'i's representative and Bernard P. Carvalho, Jr., as alternate to the Executive Committee of the Hawai'i State Association of Counties (HSAC). ***(Received for the Record.)***

C 2021-05 Communication (12/02/2020) from Councilmember Cowden, transmitting for Council consideration, a Resolution Amending Resolution No. 2021-02 Relating To The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business. ***(Received for the Record.)***

COMMUNICATIONS:

C 2021-06 Communication (11/24/2020) from the Executive on Aging, requesting Council approval to receive and expend a total of \$384,285.00 in State General Funds for Fiscal Year 2021, and to indemnify the State Executive Office on Aging; funds will be used for the provision of Kūpuna Care Services, which includes adult day care, case management, home-delivered meals, assisted transportation, homemaker services, personal care, and kūpuna care transportation costs. **(Approved.)**

C 2021-07 Communication (11/30/2020) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in the amount of \$147,425.00, for payment of overtime, renting vehicles, training, replacement of old equipment, and the purchase of new technology. **(Approved.)**

C 2021-08 Communication (12/02/2020) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval to enter into a Memorandum of Agreement (MOA) with the American Society of Crime Laboratory Directors (ASCLD) Domestic Accreditation Task Force, to seek international accreditation of the Kaua'i Police Department Crime Scene and Laboratory Unit, and to indemnify, hold harmless, and defend the ASCLD, its elected officials, officers, employees, and agents from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by or arising out of the tortious conduct of the ASCLD or its elected officials, officers, employees, or agents.

- Memorandum of Agreement Between the Kaua'i Police Department (KPD) and the American Society of Crime Laboratory Directors (ASCLD) Regarding the ASCLD Domestic Accreditation Task Force (ADATF) and the KPD Crime Scene and Laboratory Unit (CSLU) **(Approved.)**

C 2021-09 Communication (12/02/2020) from the Director of Economic Development, requesting Council approval to indemnify Leidos, Inc. and the State of Hawai'i pursuant to Hawai'i Energy's Application Terms and Conditions, as the County moves to request a rebate for the installation of five (5) dual level II networked electronic vehicle chargers, which were recently installed at the Līhu'e Civic Center. The rebate is through Hawai'i Energy and would provide \$4,500.00 per dual charging unit, for a total of \$22,500.00. **(Approved.)**

C 2021-10 Communication (12/03/2020) from the Executive on Aging, requesting Council approval to receive and expend a total of \$137,636.00 in State General Funds for State Fiscal Year 2021, and to indemnify the State Executive Office on Aging; funds will be used for the provision of Kūpuna Care and to support Aging and Disability Resource Center (ADRC) operations, which includes staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network. **(Approved.)**

C 2021-11 Communication (12/03/2020) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$150,000.00, for the Fiscal Year 2020, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense – Hawai'i Emergency Management Agency, to be used to support two (2) existing Kaua'i Emergency Management Agency staff positions who are necessary to support day-to-day prevention, protection, mitigation, response, and recovery activities. **(Approved.)**

C 2021-12 Communication (12/03/2020) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$457,626.46, from the State of Hawai'i, via Act 9, Session Laws of Hawai'i 2020, for disaster relief and mitigation, as a result of the heavy rains and flooding that occurred in April 2018. **(Approved.)**

C 2021-13 Communication (12/03/2020) from the Chief of Police and Elliott Ke, Assistant Chief of Police, requesting Council approval to receive and expend State funds, not to exceed \$10,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as reimbursement for the enforcement of Hawai'i Revised Statutes (HRS) Section 709-908 prohibiting tobacco sales to minors via Memorandum of Agreement 2019-PB-002 Modification 1 effective August 31, 2020 through August 30, 2021. **(Approved.)**

C 2021-14 Communication (12/09/2020) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance To Amend Chapter 15, Article 1, Kaua'i County Code 1987, As Amended, Relating To Floodplain Management, to update Flood Insurance Rate Maps (FIRM) as required by the Federal Emergency Management Agency (FEMA), to ensure regulations meet the minimum requirements of the National Flood Insurance Program (NFIP), which will be effective February 26, 2021. **(Received for the Record.)**

LEGAL DOCUMENT:

C 2021-15 Communication (11/16/2020) from the Housing Director, recommending Council approval of the following legal documents required by the HOME Investment Partnerships Program (HOME) and the National Housing Trust Fund (HTF) Program, and authorize the County Clerk to sign on behalf of the County Council:

- Amendment to Declaration of Covenants and Restrictions by the County of Kaua'i (Declarant) and Kalepa Village Partners (Developer), a Hawai'i Limited Partnership, by its General Partner Kaua'i Housing Development Corporation, LLC a Hawai'i Limited Liability Company, by its Manager Kaua'i Housing Development Corporation, a Hawai'i nonprofit Corporation, for Kalepa Village Phase 2B, Tax Map Key (TMK) No. (4) 3-8-002-023, Lihu'e, Kaua'i, Hawai'i (HOME);
- Declaration of Covenants and Restrictions by the County of Kaua'i (Declarant) and Kaua'i Economic Opportunity, Incorporated (Recipient), a Hawai'i nonprofit Corporation, for Transitional and Emergency Shelter, TMK No. (4) 3-8-005:001 (HOME);
- Declaration of Covenants and Restrictions by the County of Kaua'i (Declarant) and Koa'e Workforce Housing LP (Developer), a Hawai'i Limited Partnership, for Koa'e Makana TMK No. (4) 2-6-004:019 (HOME); and
- Declaration of Covenants and Restrictions by the County of Kaua'i (Declarant) and Koa'e Workforce Housing LP (Developer), a Hawai'i Limited Partnership, for Koa'e Makana TMK No. (4) 2-6-004:019 (HTF). (**Approved.**)

CLAIM:

C 2021-16 Communication (11/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph P. Kua, 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.**)

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2021-04 – RESOLUTION SUPPORTING AND URGING EQUITY, INCLUSION, AND SOCIAL AND ECONOMIC JUSTICE PRINCIPLES IN COVID-19 RELATED RECOVERY INITIATIVES (**Approved.**)

Resolution No. 2021-05 – RESOLUTION TO RECEIVE AND EXPEND A SPECIAL ALLOCATION OF GRANT FUNDS FROM DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) OF 2020 (PUBLIC LAW 116-136) **(Approved.)**

Resolution No. 2021-06 – RESOLUTION AMENDING RESOLUTION NO. 2020-23, RELATING TO APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES **(Approved.)**

Resolution No. 2021-07 – RESOLUTION AMENDING RESOLUTION NO. 2021-02 RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS **(Approved.)**

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2816) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FLOODPLAIN MANAGEMENT **(Approved on 1st reading, Public Hearing scheduled for January 13, 2021, and referred to the Public Works & Veterans Services Committee.)**

BILLS FOR SECOND READING:

Bill No. 2805, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION **(Approved.)**

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 KAUAI, 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.)**

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 KAUAI, 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.)**

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 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 (*General Fund Unassigned Fund Balance (Ho‘olako/Ka‘ana Parcel Improvements) – \$1,400,000.00*) **(Approved.)**

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 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 (*Ho‘olako/Ka‘ana Parcel Improvements Defunding – \$4,500,000.00*) **(Approved.)**

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 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 (*HGEA Retroactive Raises – Grant-Funded Positions*) **(Approved.)**

Bill No. 2811, Draft 1 – 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 (*COVID-19 Funding For 2021 – \$2,000,000.00*) **(Approved.)**

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 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 (*HRMS, Payroll & Personnel System – \$1,335,000.00*) **(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*)