

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

March 11, 2021

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **MARCH 10, 2021 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its March 10, 2021 Council Meeting:

CONSENT CALENDAR:

C 2021-50 Communication (01/29/2021) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Ryan de la Pena to the Board of Ethics – Term ending 12/31/2023. ***(Received for the Record.)***

C 2021-51 Communication (02/11/2021) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Acquisition Of Easement Interests In Land Required For Public Use, To Wit: The Pedestrian And Bicycle Path That Constitutes Part Of The County's Public Park System, Waipouli, District Of Puna, County Of Kaua'i, Hawai'i, And Declaring The Necessity Of The Acquisition Thereof By Eminent Domain. ***(Received for the Record.)***

COMMUNICATIONS:

C 2021-44 Communication (02/08/2021) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of \$310,173.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:

- Adult Program (\$81,505.00);
- Dislocated Worker Program (\$111,879.00);
- Youth Program (\$85,773.00); and
- Administrative Costs (\$31,016.00). ***(Approved.)***

Council Meeting Follow-up Memorandum to the Mayor

March 10, 2021

Page 2

C 2021-52 Communication (01/27/2021) from the Executive on Aging, requesting Council approval to apply for, receive, and expend grant funding awarded by the Corporation for National and Community Service to the County of Kaua'i, Agency on Elderly Affairs, Kaua'i Retired and Senior Volunteer Program (RSVP) for the three-year period of April 1, 2021 to March 31, 2024, in the amount of \$75,000.00 per year, combined with matching County funds in the amount of \$165,936.00, to assist Kaua'i RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22). **(Approved.)**

C 2021-53 Communication (02/03/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of the indemnification language contained in the estimate for software license renewal agreement for the use of the MSAB, Inc. XRY Logical & Physical and XRY Cloud Licenses, which allows the Kaua'i Police Department authorized software use and access to MSAB digital forensics software updates, which is required for court admissibility of the product usage. **(Approved.)**

C 2021-54 Communication (02/23/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of the indemnification language contained in the renewal of software license agreements for use of the Cellebrite UFED 4PC and UFED Cloud Licenses, which allows the Kaua'i Police Department authorized software use and access to Cellebrite digital forensics software updates, which is required for court admissibility of the product usage. **(Approved.)**

C 2021-55 Communication (02/23/2021) from the Fire Chief, requesting Council approval to apply for, receive, and expend a United States Department of Homeland Security Fiscal Year 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$4,199,754.84, for twelve (12) vacant firefighter positions for a three-year period. **(Approved.)**

C 2021-56 Communication (02/24/2021) from the Emergency Management Administrator, requesting Council approval to accept a donation valued at \$365,193.40, from the Hawai'i Community Foundation, of three (3) mobile laboratories to be used for "point of care" COVID-19 testing and vaccination programs to serve communities and hard-to-reach populations. The Hawai'i Community Foundation's Kaua'i Health Fund, seeded by the Chan Zuckerberg Kaua'i Community Fund, is making this donation to support the County's COVID-19 Emergency Response. **(Approved with thank-you letter to follow.)**

C 2021-57 Communication (02/24/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the second allotment in the amount of \$33,214.00 for Fiscal Year 2021 (total amount of funds including the previous approved awards is \$41,274.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals. **(Approved.)**

LEGAL DOCUMENTS:

C 2021-58 Communication (02/16/2021) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreement with Islander on the Beach, to construct a privacy wall to mitigate the potential impact of the shared-use path immediately adjacent to the property, Tax Map Key (TMK) No. (4) 4-3-002:013, Kapa'a, Kaua'i, Hawai'i:

- Property Adjustment Agreement (**Approved.**)

C 2021-59 Communication (02/26/2021) from the Housing Director, recommending Council approval of two (2) Right-of-Entry Agreements and the associated indemnification and attorneys' fees provisions between the County of Kaua'i and McBryde Sugar Company, LLC.

- Right-of-Entry Agreement for Grading and Drainage purposes; Tax Map Key (TMK) No. (4) 2-1-001-054,
- Right-of-Entry Agreement for Construction Vehicles Access and Washdown Station; TMK No. (4) 2-1-001-055. (**Approved.**)

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2021-12 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Ryan de la Pena*) (**Approved.**)

Resolution No. 2021-13 – RESOLUTION AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS IN LAND REQUIRED FOR PUBLIC USE, TO WIT: THE PEDESTRIAN AND BICYCLE PATH THAT CONSTITUTES PART OF THE COUNTY'S PUBLIC PARK SYSTEM, WAIPOULI, DISTRICT OF PUNA, COUNTY OF KAUAI, HAWAII, AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN (**Public Hearing scheduled for April 7, 2021 and referred to the April 21, 2021 Council Meeting.**)

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*)