

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

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MEMORANDUM

January 28, 2021

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **JANUARY 27, 2021 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its January 27, 2021 Council Meeting:

CONSENT CALENDAR:

C 2021-23 Communication (01/07/2021) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 13, 2020. ***(Received for the Record.)***

C 2021-24 Communication (01/12/2021) from Aaron D. Larrimore, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from October 1, 2020 through December 31, 2020. ***(Received for the Record.)***

C 2021-25 Communication (01/15/2021) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal relating to ES-1040, relating to the utilization of Public Access, Open Space, Natural Resources Preservation Fund for the acquisition of real property for land conservation purposes, as he was recently on the Board of Directors for Mālama Hulē'ia who acts as stewards of the land in Hulē'ia, which is on the Public Access, Open Space, Natural Resources Preservation Fund Commission's list for potential acquisitions. ***(Received for the Record.)***

C 2021-26 Communication (01/15/2021) from Councilmember Evslin, providing written disclosure of a possible conflict of interest and recusal relating to ES-1040, relating to the utilization of Public Access, Open Space, Natural Resources Preservation Fund for the acquisition of real property for land conservation purposes, as he was recently on the Board of Directors for Mālama Hulē'ia who acts as stewards of the land in Hulē'ia, which is on the Public Access, Open Space, Natural Resources Preservation Fund Commission's list for potential acquisitions. ***(Received for the Record.)***

COMMUNICATIONS:

C 2021-27 Communication (01/11/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept funding reimbursements from the Treasury Executive Office for Asset Forfeiture (TEAOF). These reimbursed funds are being offered to the County of Kaua'i, Kaua'i Police Department by the United States Secret Service based on the Department entering into membership of the Hawai'i-Pacific Cyber Fraud Task Force per Memorandum of Understanding executed on June 11, 2019. The amount offered is variable based on available Asset Forfeiture Funds each fiscal year. These funds are limited to use for digital forensics and cyber fraud investigations as needed. **(Approved.)**

C 2021-28 Communication (01/11/2021) from the Executive on Aging, requesting Council approval to receive and expend a total of \$713,668.00 in State General Funds for Fiscal Year 2021, and to indemnify the State Executive Office on Aging to be used for the provision of Kupuna Care, which includes case management, adult day care, assisted transportation, attendant care, kupuna care transportation, personal care, and home-delivered meals. **(Approved.)**

C 2021-29 Communication (01/11/2021) from the Director of Parks and Recreation, 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 Golf Fund, to fund an estimated revenue shortfall of \$250,000.00, due to the golf course closures and play restrictions that resulted from the COVID-19 pandemic. **(Received for the Record.)**

C 2021-30 Communication (01/12/2021) from the Fire Chief, requesting Council approval to apply for, receive, and expend a U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), Assistance to Firefighters Grant (AFG) to purchase fifty (50) portable handheld Motorola radios, totaling \$660,000.00; and one (1) Ford F-550 4-Door Crew Cab 500-GPM Initial Attack Pumper totaling \$340,000.00. The total budget for this project is \$1,000,000.00, of which FEMA AFG would cover \$900,000.00, and the Kaua'i Fire Department (KFD) would be responsible for the remaining \$100,000.00, in a ninety percent/ten percent (90%/10%) cost share based on total FEMA contributions. **(Approved.)**

C 2021-31 Communication (01/13/2021) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to commercial uses in the Agriculture Zoning District. **(Received for the Record.)**

C 2021-32 Communication (01/15/2021) from the County Attorney, requesting authorization to expend additional funds up to \$200,000.00 for Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. ***(Approved.)***

LEGAL DOCUMENT:

C 2021-33 Communication (01/07/2021) from the Housing Director, recommending Council approval of a Declaration of Covenants and Restrictions by the County of Kaua'i for the following HOME Investments Partnerships Program (HOME) and Housing Trust Fund (HTF) Assisted Projects, and to authorize the County Clerk to sign all related legal documents:

- Declaration of Covenants and Restrictions for Waimea Huakai Apartments (HOME) TMK No. (4) 1-6-008-006, (4) 1-6-008-060, (4) 1-6-008-061 (Waimea Huakai Partners, LP, Developer)
- Declaration of Covenants and Restrictions for Pua Loke Apartments (HOME) TMK No. (4) 3-8-005-028, (4) 3-8-005-029 (Pua Loke Housing Partners LP, Owners)
- Declaration of Covenants and Restrictions for Pua Loke Apartments (HTF) TMK No. (4) 3-8-005-028, (4) 3-8-005-029 (Pua Loke Housing Partners LP, Developer) ***(Approved.)***

CLAIM:

C 2021-34 Communication (01/11/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Douglas D. Bosse, for damage to his personal 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.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2804) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT ***(Approved as Amended on 1st reading, Public Hearing scheduled for February 24, 2021, and referred to the Planning Committee.)***

Proposed Draft Bill (No. 2817) – 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 AND GOLF FUND (*Golf Fund Projected Revenue Deficit—\$250,000.00*) (**Approved on 1st reading, Public Hearing scheduled for February 24, 2021, and referred to the Committee of the Whole.**)

BILLS FOR SECOND READING:

Bill No. 2813, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*County of Kauai Planning Department, ZA-2020-14*) (**Approved.**)

Bill No. 2814 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (**Approved.**)

Bill No. 2815 – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS AND NOTES; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED (**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*)