

**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**

August 18, 2022

**TO:** Derek S.K. Kawakami, Mayor

**FROM:** Mason K. Chock, Council Vice Chair 

**RE:** **AUGUST 17, 2022 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its August 17, 2022 Council Meeting:

**CONSENT CALENDAR:**

C 2022-177 Communication (05/23/2022) from the Director of Finance, transmitting for Council information, Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i. ***(Received for the Record.)***

C 2022-178 Communication (07/12/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Shelley Konishi to the Civil Service Commission – Term ending 12/31/2024. ***(Received for the Record.)***

C 2022-179 Communication (07/25/2022) from Councilmember Evslin, transmitting for Council consideration and confirmation, the appointment of Mai Shintani to the Public Access, Open Space, Natural Resources Preservation Fund Commission (At-Large) – Term ending 12/31/2023. ***(Received for the Record.)***

**COMMUNICATIONS:**

C 2022-180 Communication (07/14/2022) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract. ***(Received for the Record.)***

Council Meeting Follow-up Memorandum to the Mayor

August 18, 2022

Page 2

C 2022-181 Communication (07/21/2022) from the Chief of Police, Deputy Chief of Police, and Mark T. Ozaki, Acting Assistant Chief of Police, 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 the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258, prohibiting tobacco sales to minors via Memorandum of Agreement 2022-PB-002 Modification 1 effective September 1, 2022 through August 31, 2023. **(Approved.)**

C 2022-182 Communication (07/25/2022) from the Director of Finance, requesting Council approval of the acceptance of legal terms and conditions from Quest Kace, vendor for the County's systems management and systems deployment software. **(Approved.)**

C 2022-183 Communication (07/28/2022) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend the State Land Use District boundary concerning a parcel in Kapa'a Homesteads, Kaua'i and to amend Chapter 8, Kaua'i County Code 1987, as amended, to change the zoning designation for this same parcel from Agriculture District (A) to Residential District (R-1). **(Received for the Record.)**

C 2022-184 Communication (07/29/2022) 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 Educational Campgrounds. **(Received for the Record.)**

C 2022-185 Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the State of Hawai'i Organization of Police Officers (SHOPO) Bargaining Unit 12 for the period July 1, 2021 through June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B. **(Received for the Record.)**

C 2022-186 Communication (08/01/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 15 (Ocean Safety Officers) for period July 1, 2021 to June 30, 2025, based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B. **(Received for the Record.)**

C 2022-187 Communication (08/03/2022) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 10, Article 3, Kaua'i County Code 1987, as amended, relating to the West Kaua'i Community Plan Implementing Ordinance, to implement Form-Based Code for Plantation Camps. **(Received for the Record.)**

C 2022-188 Communication (08/03/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Article 1 of Chapter 8, Kaua'i County Code 1987, as amended, relating to Definitions in the Comprehensive Zoning Ordinance (CZO). ***(Received for the Record.)***

C 2022-189 Communication (08/08/2022) from the Chief of Police, Deputy Chief of Police, and Bryson M. Ponce, Assistant Chief of Police, requesting Council approval to accept reimbursement, in the amount of \$3,932.38, from the United States Marshals Service via Memorandum of Understanding (MOU) pursuant to 28 U.S.C. Section 566(e)(1) and 34 U.S.C. Section 20941, for equipment costs to conduct countywide sex offender registration enforcement and compliance. ***(Approved.)***

CLAIM:

C 2022-190 Communication (07/26/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Clerkin, Sinclair and Mahfouz, LLP for USAA General Indemnity Company as subrogee for Stephen O'Donnell and Novelita Peralty, for property damage, 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. 2022-29 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION *(Shelley Konishi)* ***(Approved.)***

Resolution No. 2022-30 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION *(Mai Shintani – At-Large)* ***(Approved.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2859) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS *(Kaua'i County Council, Applicant)* ***(Received for the Record.)***

Proposed Draft Bill (No. 2880) – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUAI *(Manuel DeSilva, Jr., Trustee, Applicant)* ***(A-2022-1) (Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Planning Committee.)***

Proposed Draft Bill (No. 2881) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13) (**Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Planning Committee.**)

Proposed Draft Bill (No. 2882) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*) (**Approved as Amended on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Planning Committee.**)

Proposed Draft Bill (No. 2883) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 (**Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2884) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 (**Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Committee of the Whole.**)

Proposed Draft Bill (No. 2885) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9) (**Approved as Amended on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Planning Committee.**)

Proposed Draft Bill (No. 2886) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kauai Planning Department, Applicant*) (ZA-2022-14) (**Approved as Amended on 1<sup>st</sup> Reading, Public Hearing scheduled for September 21, 2022, and referred to the Planning Committee.**)

BILLS FOR SECOND READING:

Bill No. 2862, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (**Approved.**)

Council Meeting Follow-up Memorandum to the Mayor

August 18, 2022

Page 5

Bill No. 2871 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUSINESS LICENSES **(Approved.)**

Bill No. 2872 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX *(Tiered Residential Investor & Vacation Rental Tax Classifications)* **(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)*