

## COUNCIL MEETING

APRIL 8, 2020

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, April 8, 2020 at 8:37 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin (*via remote technology*)  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

Excused:      Honorable Arthur Brun\*  
                    Honorable Ross Kagawa

Council Chair Kaneshiro:      Please note that we will run today's meetings pursuant to the Governor's Supplementary Emergency Proclamation dated March 16, 2020.

### APPROVAL OF AGENDA.

Council Chair Kaneshiro:      The first item is the approval of the agenda.

Councilmember Kualii moved for approval of the agenda, as circulated, seconded by Councilmember Chock.

*(No written testimony was received regarding this agenda item.)*

Council Chair Kaneshiro:      Any discussion on the agenda from the members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2\* (*Councilmember Brun and Councilmember Kagawa were excused*).

Council Chair Kaneshiro:      The motion is carried. The next item is the Consent Calendar. For the public's knowledge, we all have masks today, but if we wear it and talk, it is a little difficult for people to hear on the microphone. I am probably going to keep my mask off. We are practicing social distancing for the record. Clerk, could you please read the Consent Calendar?

CONSENT CALENDAR:

C 2020-104 Communication (03/18/2020) from the Council Chair Kaneshiro, transmitting for Council consideration, a Resolution appointing Ross Kagawa as Kaua'i's representative and Mason K. Chock as the alternate to the Executive Committee of the Hawai'i State Association of Counties (HSAC).

C 2020-105 Communication (03/18/2020) from Council Chair Kaneshiro, transmitting for Council consideration, the nomination of Councilmember KipuKai Kualii as a Director on the National Association of Counties (NACo) Board of Directors.

Councilmember Chock moved to receive C 2020-104 and C 2020-105 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Any discussion or questions from the members?

*(No written testimony was received regarding these agenda items.)*

The motion to receive C 2020-104 and C 2020-105 for the record was then put, and carried by a vote of 5:0:2\* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: The motion is carried. Next item please.

COMMUNICATIONS:

C 2020-106 Communication (03/08/2020) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval to enter into a contract for Project No. 18-DJ-03; receive and expend Federal funds for the Statewide Multi-Jurisdictional Drug Task Force (SMDTF), in the amount of \$43,436.00, which will be used to continue law enforcement efforts to reduce drug threats and drug related crimes through agency collaboration; and indemnify the State of Hawai'i Department of the Attorney General for the term commencing January 1, 2020 to December 31, 2020.

- SMDTF Contract for Project No. 18-DJ-03

Councilmember Kualii moved to approve C 2020-106, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any questions or comments on this item from the members? Councilmember Cowden.

Councilmember Cowden: I just want to make a comment that I appreciate how much the Police Department is working hard to get grants to fund themselves.

Council Chair Kaneshiro: Okay, thank you. Councilmember Cowden, you can finish if that interrupted you.

Councilmember Cowden: This is a continuing grant and it is a good one. I appreciate the effort that the Kaua'i Police Department put in to reduce the cost to the County's budget by getting grants.

Council Chair Kaneshiro: Thank you. Anyone else?

*(No written testimony was received regarding this agenda item.)*

The motion to approve C 2020-106 was then put, and carried by a vote of 5:0:2\* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: The motion is carried. Next item.

C 2020-107 Communication (03/27/2020) from the Director of Finance and Budget Administrator, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2019-856, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2019 Through June 30, 2020, By Revising The Amounts Estimated In The G.E. Tax Fund, to account for an estimated revenue shortfall of (\$2,000,000.00), due to the anticipated decrease in general excise tax surcharge collections as a result of the ongoing events and broad impacts of COVID-19: Councilmember Chock moved to receive C 2020-107 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: This is just the communication. We will see the Bill come up later on the agenda. Any comments from the members?

*(No written testimony was received regarding this agenda item.)*

The motion to receive C 2020-107 for the record was then put, and carried by a vote of 5:0:2\* *(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: The motion is carried. Next item.

C 2020-108 Communication (03/27/2020) from Troy K. Tanigawa, Acting County Engineer, requesting Council approval to apply for, receive, and expend United States Department of Transportation (USDOT) Better Utilizing Investments to Leverage Development (BUILD) Grant funding up to an estimated total project cost of \$23,000,000.00, for the Po'ipū Road Mobility and Safety Project, and indemnify the United States Department of Transportation Federal Highway Administration and Hawai'i Department of Transportation, if awarded: Councilmember Kualii moved to approve C 2020-108, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any comments from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: I recognize that this is just an approval to apply for the grant, but I really want to commend our new Acting County Engineer Troy K. Tanigawa for making the effort to get this together for Po'ipū. My understanding is that if we receive it, then the moneys that we had applied for that area would get reappropriated into other areas of need on the island. We are not just Po'ipū. It is a good piece.

Council Chair Kaneshiro: Anyone else?

*(No written testimony was received regarding this agenda item.)*

The motion to approve C 2020-108 was then put, and carried by a vote of 5:0:2\*  
*(Councilmember Brun and Councilmember Kagawa were excused).*

Council Chair Kaneshiro: Motion is carried. Next item.

#### CLAIM:

C 2020-109 Communication (03/19/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by DTRIC Insurance Company, Limited, on behalf of Alison Okada, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kualii moved to refer C 2020-109 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any comments from the members on this item?

*(No written testimony was received regarding this agenda item.)*

The motion to refer C 2020-109 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 5:0:2\* *(Councilmember Brun and Kagawa were excused).*

Council Chair Kaneshiro: Motion is carried. Next item.

#### RESOLUTIONS:

Resolution No. 2020-23 – RESOLUTION APPOINTING ROSS KAGAWA AS REPRESENTATIVE AND MASON K. CHOCK AS THE ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES: Councilmember Cowden moved for adoption of Resolution No. 2020-23, seconded by Councilmember Chock.

Council Chair Kaneshiro: Any comments from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: I think it is a good choice. Councilmember Chock does a good job and I appreciate what he has to bring to the table.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Previously, it was Councilmember Brun as the alternate, but Councilmember Brun is no longer available to be there. We will now have Councilmember Chock as the alternate. Any other comments from the members?

*(No written testimony was received regarding this agenda item.)*

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-23 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kagawa	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Five (5) ayes.

Resolution No. 2020-24 – RESOLUTION NOMINATING COUNCILMEMBER KIPUKAI KUALI'I AS A DIRECTOR ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD: Councilmember Chock moved for adoption of Resolution No. 2020-24, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any comments from the members on this item? Councilmember Cowden.

Councilmember Cowden: I appreciate Councilmember Kuali'i and the work that he does. He is very consistent about going to the meetings at the national level. Thank you very much.

Councilmember Chock: Yes, thank you.

Councilmember Kuali'i: I appreciate all of your support.

Council Chair Kaneshiro: Anyone else?

*(No written testimony was received regarding this agenda item.)*

Council Chair Kaneshiro: If not, roll call vote.

The motion for adoption of Resolution No. 2020-24 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin Kuali'i, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kagawa	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Next item.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2791) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND (*G.E. Tax Surcharge Reduction (COVID-19)*) – (\$2,000,000.00) : Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2791) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 6, 2020, and it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Any comments from the members on this item?  
Councilmember Cowden.

Councilmember Cowden: Is Public Works here?

Council Chair Kaneshiro: This is actually from the Department of Finance.

Councilmember Cowden: Are they not here?

Council Chair Kaneshiro: They were not requested to be here.

Councilmember Cowden: Okay. I will just state what my question is. I am curious how we estimated the two million dollars (\$2,000,000). This is coming out of this fiscal year, so we are describing for the next couple of months that are impacted? Is that right? If it was for next year, I would think it would be more. This is for this year, so that is about fourteen million dollars (\$14,000,000) is what we had planned, and we are taking two million dollars (\$2,000,000) off?

Council Chair Kaneshiro: I think it was in the twenty-six million dollars (\$26,000,000) range.

Councilmember Cowden: Okay. Twenty-six million dollars (\$26,000,000), so we are taking two million dollars (\$2,000,000) off of that amount. I understand.

Council Chair Kaneshiro: This is situation where we set the revenue based on the budget and the economy last year. We know we are going to take a hit in the general excise tax (GET) with less people on the island and less spending. The Department of Finance sent this over to adjust the revenue projection. As far as next year's GET, that is going to be incorporated into the next budget that we are currently working on. That is the time for that. We already saw the Mayor's initial budget proposal for the next fiscal year and we saw the figure that they were expecting without the impacts from COVID-19. I am sure we are going to see a much lower number in the supplemental budget communication based on our current situation.

Councilmember Cowden: Okay, so we are just looking at two million dollars (\$2,000,000) right here for the G.E. Tax Fund and there will probably be other areas that are going to be light too this year.

Council Chair Kaneshiro: We can send that question over as this still needs to go through the public hearing and committee meeting process. Councilmember Chock.

Councilmember Chock: Thank you. I just wanted to reference that the two million dollars (\$2,000,000) is being reduced in the Department of Public Works' budget of one million nine hundred thousand dollars (\$1,900,000) from the Other Services – Island Wide Road Resurfacing and then approximately one hundred thousand dollars (\$100,000) from the Transportation Agency. The question that comes up for me is if we could get a sense from the Department of Public Works on what projects are going to be affected. We know that this is a big issue for our island and I would like to get an accounting of what we are to expect. We promised that we would get some of that work done and it will now be stalled. I would appreciate that.

Council Chair Kaneshiro: No problem. We will send that question over. It is a good question. Anyone else?

*(No written testimony was received regarding this agenda item.)*

Council Chair Kaneshiro: If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2791) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 6, 2020, and it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kagawa	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Seeing no further business and hearing no objections, that is the conclusion of our Council Meeting. We do have public hearings coming up right after this. After that we have our Committee Meetings.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 8:48 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

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\*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).