

**COUNTY COUNCIL**

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**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
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**MEMORANDUM**

May 6, 2020

**TO:** Derek S.K. Kawakami, Mayor  
**FROM:** Arryl Kaneshiro, Council Chair **AK**  
**RE:** **MAY 6, 2020 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its May 6, 2020 Council Meeting:

**CONSENT CALENDAR:**

C 2020-113 Communication (03/30/2020) from Councilmember Evslin, transmitting for Council consideration and confirmation, the appointment of Jonathan Thomas Lucas to the Public Access, Open Space, Natural Resources Preservation Fund Commission (Kōloa-Po'ipū-Kalāheo) – Term ending 12/31/2022. ***(Received for the Record.)***

C 2020-114 Communication (04/09/2020) from the Director of Finance, transmitting for Council information, the Period 8 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of February 29, 2020, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020. ***(Received for the Record.)***

C 2020-115 Communication (04/16/2020) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2019-2020, pursuant to Section 17 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2019-2020. ***(Received for the Record.)***

**COMMUNICATIONS:**

C 2020-116 Communication (04/07/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$74,118.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and to indemnify the State of Hawai'i, Department of the Attorney General. ***(Approved.)***

Council Meeting Follow-up Memorandum to the Mayor

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C 2020-117 Communication (04/08/2020) from Bryson Ponce, Assistant Chief of Police, requesting Council approval to use \$90,000.00 in unexpended salaries for the unbudgeted purchase of one hundred ten (110) ballistic helmets with face shields for patrol officers. **(Approved.)**

C 2020-118 Communication (04/15/2020) from the Executive on Aging, requesting Council approval of the Agency on Elderly Affairs' 4-Year Area Plan on Aging (from October 1, 2019 through September 30, 2023), which serves as the blueprint and framework for the next four (4) years in the planning and development of aging services and programs for the County of Kaua'i. **(Approved.)**

C 2020-119 Communication (04/17/2020) from Troy K. Tanigawa, Acting County Engineer, requesting Council approval to indemnify the State of Hawai'i as outlined in Condition No. 3 of the State of Hawai'i Department of Land and Natural Resources' (DLNR) Emergency CDUP KA-20-14 letter for temporary emergency erosion control along the damaged section of 'Aliomanu Road in Anahola. **(Approved.)**

C 2020-120 Communication (04/22/2020) from the Planning Director, requesting Council approval to receive and expend State funds in the amount of \$49,500.00, from the State of Hawai'i Department of Health (DOH) Chronic Disease Prevention and Health Promotion program, and to indemnify the State DOH, for the Supplemental Nutrition Assistance Program Education (SNAP Ed) allowable "Quick Build" Demonstration Project. **(Approved.)**

C 2020-121 Communication (04/23/2020) from Troy K. Tanigawa, Acting County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$303,666.23, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2021 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions. **(Approved.)**

C 2020-122 Communication (04/23/2020) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept ongoing funding reimbursements for joint law enforcement operations relating to the Hawai'i Internet Crimes Against Children (HI ICAC) Task Force via a Memorandum of Understanding (MOU) with the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). **(Approved.)**

C 2020-123 Communication (04/23/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend an increase in funds, from \$211,385.00 to \$224,353.00, for contract 16-DJ-07, from the State of Hawai'i, Department of the Attorney General, to continue the Sexual Assault Prosecution Unit to June 15, 2020. **(Approved.)**

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C 2020-124 Communication (04/23/2020) from the Housing Director and Life's Choices Kaua'i Coordinator, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$30,000.00, to supplement the Partnership for Success grant, for prevention capacity-building activities including the Hawai'i Coalition Academy Training, Underage Drinking Prevention Youth Convention, and Statewide Substance Use Prevention Symposium. **(Approved.)**

C 2020-125 Communication (04/23/2020) from Solomon K. Kanoho, Acting 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 a Raman and Fourier Transform Infrared (FTIR) system Hazardous Materials (HazMat) Spectrometer which will be used to identify solid and liquid chemicals and explosives, and is critical in maintaining the Kaua'i Fire Department's (KFD) response capabilities to HazMat incidents. The total budget for this project is \$148,950.00 of which FEMA AFG would cover \$135,409.09, and KFD would be responsible for the remaining \$13,540.91, in a ninety percent/ten percent (90%/10%) cost share based on total FEMA contributions. **(Approved.)**

C 2020-126 Communication (04/23/2020) from Solomon K. Kanoho, Acting 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 a new Initial Attack Mini-Pumper apparatus for Kaua'i's rural Wildland Urban Interface (WUI) population, valued at \$293,000.00 of which FEMA AFG would cover \$266,363.64, and KFD would be responsible for the remaining \$26,636.36, in a ninety percent/ten percent (90%/10%) cost share based on total FEMA contributions. **(Approved.)**

C 2020-127 Communication (04/24/2020) from the Executive on Aging, requesting Council approval to apply for, receive, and expend funds, in the amount of \$138,184.00, and to indemnify the State Executive Office on Aging for the Healthy Aging Contract for State Fiscal Year 2020, which will be used towards EnhanceFitness and Better Choices Better Health workshops. **(Approved.)**

C 2020-128 Communication (04/24/2020) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$87,170.00, from the Coronavirus Emergency Supplemental Funding Program, for the Pastor, Police, and Pancake Program; grant funds will be shared with the Kaua'i Police Department and will be used for equipment and overtime costs in response to COVID-19 for the period January 20, 2020 through January 19, 2022. **(Approved.)**

C 2020-129 Communication (04/24/2020) from Nalani K. Kaauwai Brun, Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$300,000.00, from the Hawai'i Farm Bureau, for the Kūpuna Kare with Farmer Fare program, which benefits kūpuna and farmers on Kaua'i. **(Approved.)**

C 2020-130 Communication (04/28/2020) from the Director of Finance and Budget Administrator, transmitting for Council consideration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, to reauthorize \$957,278.00 from the Reserve Fund (Disaster Response), to be used for continued funding of emergency expenditures related to the Novel Coronavirus COVID-19. ***(Received for the Record.)***

LEGAL DOCUMENTS:

C 2020-131 Communication (04/16/2020) from Troy K. Tanigawa, Acting County Engineer, recommending Council approval of a Grant of Easements and Transfer of Sewer Line document and the indemnity clause under Paragraph 9, to allow the Department of Public Works Wastewater Management Division to install an emergency generator adjacent to the Port Allen Sewage Pump Station.

- Grant of Easements and Transfer of Sewer Line by and between the County of Kaua'i and Alexander & Baldwin, LLC and A&B Properties Hawai'i, LLC, Tax Map Key (TMK) No. (4) 2-001-003: 026, 040. ***(Approved.)***

C 2020-132 Communication (04/24/2020) from the Housing Director, recommending Council approval of a Waiver, Release and Indemnity Agreement for Tax Map Key (TMK) No. (4) 3-8-005:028 and 029 between the County of Kaua'i and Pua Loke Housing Partners, L.P., and County of Kaua'i Board of Water Supply. The purpose of this agreement is to have the County of Kaua'i and Pua Loke Housing Partners, L.P. waive, release, and indemnify the Department of Water from any liability for injuries or damages that might arise during construction activities on the property as part of the permitting process, and to authorize the County Clerk to sign legal documents related to the Waiver, Release and Indemnity Agreement with the Department of Water.

- Waiver, Release and Indemnity Agreement ***(Approved.)***

CLAIM:

C 2020-133 Communication (04/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kori White, for damage to her 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.

RESOLUTION:

Resolution No. 2020-25 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Jonathan Thomas Lucas*) **(Approved.)**

EMERGENCY BILL:

Proposed Draft Bill (No. 2792) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2020-861, RELATING TO THE FUNDING OF EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS “COVID-19,” BY REAUTHORIZING THE AMOUNTS ESTIMATED IN THE GENERAL FUND **(Approved.)**

BILLS FOR SECOND READING:

Bill No. 2777 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEFINITIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2016-3) **(Received for the Record.)**

Bill No. 2778 – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-13) **(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*)