

## COUNTY COUNCIL

Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



## OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

On March 16, 2020, Governor David Y. Ige issued a Supplementary Emergency Proclamation related to COVID-19 which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). Governor Ige continued the suspension of Chapter 92 with his Sixth Supplementary Emergency Proclamation dated April 25, 2020. On May 5, 2020, Governor Ige issued his Seventh Supplementary Emergency Proclamation amending his earlier suspension of Chapter 92. Chapter 92 of the HRS was suspended to the extent necessary in order to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, providing board packets available electronically, live streaming of meetings, and posting minutes of meetings online. Furthermore, if a board has the staffing, technological, and other resources to hold a secure video teleconference (video and audio), it must in good faith, attempt to provide the public with the opportunity to observe the meeting as it happens, and provide an opportunity to deliver oral testimony. No board deliberation or action shall be invalid, if such good faith efforts to implement remote technology for public observations and comments do not work.

The meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to HRS Chapter 92.
- The meeting will be closed to the public to be consistent with social distancing practices.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at [www.kauai.gov/webcastmeetings](http://www.kauai.gov/webcastmeetings). Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov), sent via facsimile to 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihue, Hawaii 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken at the beginning of the meeting on any agenda item via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. Anyone interested in providing oral testimony shall provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov) or by calling (808) 241-4188. This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public should continue watching the meeting via the live stream link found at [www.kauai.gov/webcastmeetings](http://www.kauai.gov/webcastmeetings).
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MAY 20, 2020**  
**8:30 A.M. OR SOON THEREAFTER**  
COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. May 6, 2020 Council Meeting
2. May 6, 2020 Special Council Meeting
3. May 6, 2020 Public Hearing re: Bill No. 2791

E. CONSENT CALENDAR:

1. [C 2020-136](#)      Communication (04/15/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Dee Crowell to the Liquor Control Commission – Term ending 12/31/2020. (*See Resolution No. 2020-26*)
  
2. [C 2020-137](#)      Communication (04/29/2020) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of March 31, 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. (*Copies of Period 9 Financial Reports as of March 31, 2020 on file in the Office of the County Clerk.*)
  
3. [C 2020-138](#)      Communication (05/06/2020) from the Director of Human Resources, transmitting for Council information, the May 1, 2020 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

4. [C 2020-139](#) Communication (05/06/2020) from the Housing Director, transmitting for Council consideration, a Resolution To Receive And Expend A Special Allocation Of Grant Funds From The Department Of Housing And Urban Development, United States of America, Authorized By The Coronavirus Aid, Relief, And Economic Security Act (CARES Act) Of 2020 (Public Law 116-136). *(See Resolution No. 2020-27)*

#### F. COMMUNICATIONS:

1. [C 2020-140](#) Communication (04/23/2020) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 14 for the period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The cost items are based on an Arbitrated Award, which contains a dissent by the Employer Panel Member, and are in accordance with the procedures contained in Chapter 89, HRS. *(Copies of the Arbitration Award on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2793))*
2. [C 2020-141](#) Communication (05/03/2020) from Elliot K. Ke, Captain, Kaua'i Police Department, requesting Council approval to use \$439,781.81 in unexpended salaries for the first year of a 5-year multi-term contract for the purchase of Axon Officer Safety Plans (OSP), Evidence.com unlimited Axon device storage, Axon Performance, and Auto-Tagging software.
3. [C 2020-142](#) Communication (05/07/2020) from the 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) – COVID-19 Supplemental (AFG-S) funds to purchase personal protective equipment (PPE) for Fire and Ocean Safety personnel to respond to current and future pandemics. The total budget for this project is \$29,700.00 of which FEMA AFG-AFG-S would cover \$26,730.00, and KFD would be responsible for the remaining \$2,790.00, in a ninety percent/ten percent (90%/10%) cost share based on total FEMA contributions.

G. LEGAL DOCUMENT:

1. [C 2020-143](#) Communication (05/07/2020) from the Acting County Engineer, recommending Council approval of a Service Contract and Special Provisions indemnity clause, by and between the County of Kaua'i and Hartung Brothers Hawai'i, LLC for the design, construction, and operation of an R-2 recycled water reuse system located on County land currently leased by Hartung Brothers Hawai'i, LLC, and adjacent to the Waimea Wastewater Treatment Plant.
  - Service Contract and Special Provisions

H. CLAIMS:

1. [C 2020-144](#) Communication (04/29/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kalepa Village Apartments, for services rendered due to damaged utilities near their property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2020-145](#) Communication (05/01/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Elizabeth Belfort, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2020-146](#) Communication (05/11/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Bernie Shimabukuro, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2020-06:** on Bill No. 2781 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMMERCIAL ZONING DISTRICT OF THE COMPREHENSIVE ZONING ORDINANCE TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-6) **[Approved.]**

**2. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2020-07:** on Bill No. 2782 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR HGEA BARGAINING UNIT 4 BETWEEN JULY 1, 2019 AND JUNE 30, 2021 **[Approved.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2020-26](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Dee Crowell*)
  
2. [Resolution No. 2020-27](#) – RESOLUTION TO RECEIVE AND EXPEND A SPECIAL ALLOCATION OF GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, AUTHORIZED BY THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) OF 2020

**K. BILL FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2793\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

**L. BILLS FOR SECOND READING:**

1. [Bill No. 2781](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMMERCIAL ZONING DISTRICT OF THE COMPREHENSIVE ZONING ORDINANCE TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-6) (See also CR-PL 2020-06; the Planning Committee recommended approval on second and final reading.)
  
2. [Bill No. 2782](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR HGEA BARGAINING UNIT 4 BETWEEN JULY 1, 2019 AND JUNE 30, 2021 (See also CR-COW 2020-07; the Committee of the Whole recommended approval on second and final reading.)

M. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)

N. ADJOURNMENT.

O. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).