

## 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

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**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, JULY 22, 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. July 8, 2020 Public Hearing re: Resolution No. 2020-28
2. July 8, 2020 Council Meeting

E. CONSENT CALENDAR:

1. [C 2020-183](#) Communication (06/24/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Kelly M. Gentry to the Board of Ethics – Term ending 12/31/2022. **(See Resolution No. 2020-31)**
2. [C 2020-184](#) Communication (07/08/2020) from the Director of Finance, transmitting for Council information, the Fourth 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 Fiscal Year 2019-2020.

F. COMMUNICATIONS:

1. [C 2020-185](#) Communication (06/30/2020) from the Director of Economic Development, requesting Council approval to indemnify and hold harmless Kaua'i Government Federal Credit Union, Gather Federal Credit Union, Kaua'i Teachers Federal Credit Union, and Hawai'i USA Federal Credit Union, who will administer the \$5,000,000.00 of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for the Small Business Boost Program.

2. [C 2020-186](#) Communication (07/07/2020) from the Director of Planning, requesting Council approval to receive and expend Federal/State funds for the Hawai'i Coastal Zone Management (CZM) Program in an amount up to \$365,926.49, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the program. The pass-through funding will be utilized to continue the implementation of the CZM Program on Kaua'i commencing July 1, 2020 to June 30, 2021. Funding will be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kaua'i and Shoreline Setback provisions of Chapter 8 of the Kaua'i County Code, and an additional scope of service to allow for the completion of the Fiscal Year (FY) 2019-2020 coastal access inventory update project.
  
3. [C 2020-187](#) Communication (07/13/2020) from the Managing Director, requesting Council approval to apply for, receive, and expend Federal funds from the Federal Emergency Management Agency (FEMA) in an amount not to exceed \$2,000,000.00 for the reimbursement of expenditures related to the March 27-28, 2020 rain event.

#### G. CLAIMS:

1. [C 2020-188](#) Communication (07/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Douglas J. Glasscock, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2020-189](#) Communication (07/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Douglas J. Glasscock, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2020-05:** on FED 2020-04 Communication (06/18/2020) from Councilmember Kualii, requesting the presence of the Director of Economic Development, to provide a briefing on any climate change efforts that the County of Kaua'i has made, to include the following:
- The County's response to the expected impacts of climate change;
  - The types of action the County is planning to implement; and
  - The resources required to implement the County's efforts and where they are anticipated to come from. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-16:** on 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 **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2020-28](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT INTEREST IN LAND REQUIRED FOR PUBLIC USE, TO WIT: THE PEDESTRIAN AND BICYCLE PATH THAT CONSTITUTES PART OF THE COUNTY'S PUBLIC PARK SYSTEM, SITUATED AT WAIPOULI, DISTRICT OF KAWAIHAU, COUNTY OF KAUA'I, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN (***Public Hearing held July 8, 2020***)

2. [Resolution No. 2020-31](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Kelly M. Gentry*)

J. BILL FOR SECOND READING:

1. [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 (*See also CR-COW 2020-16; the Committee of the Whole recommended approval on second and final reading.*)

K. 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.)

1. ES-1028 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council's legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval to settle a workers' compensation claim. This deliberation and/or decision-making involves matters that require the consideration of information that must be kept confidential due to significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, and evaluation. This information is protected from disclosure pursuant to state or federal law, including the Health Insurance Portability and Accountability Act.
  
2. ES-1029 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing and request for settlement authority in the matter of Mark N. Begley vs. County of Kaua'i et al., Civil No. CV16-00350, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
  
3. ES-1030 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to obtain settlement authority of Robert Adam's real property tax claim and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: Pursuant to the Supplementary Emergency Proclamation dated March 16, 2020, the Sixth Supplementary Emergency Proclamation dated April 25, 2020, and the Seventh Supplementary Emergency Proclamation dated May 5, 2020, issued by Governor David Y. Ige, all meetings of the Council will be closed to the public consistent with social distancing practices. The public hearing will be read into the record and testimony may be submitted in writing to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov); via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i 96766. Oral testimony will be taken 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).

The Council will convene into a public hearing on the following item(s) on this meeting date and will convene/reconvene the Council/Committee Meeting thereafter.

*[\*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

**For a copy of the notice, please go to:** <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2794](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES

- N. 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](mailto: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).