

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

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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. The suspension of Chapter 92 was subsequently continued in his Eighth (May 18, 2020), Ninth (June 10, 2020), and Tenth (July 17, 2020) Supplementary Emergency Proclamations. 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. 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, 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 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.
- 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, AUGUST 19, 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. August 5, 2020 Council Meeting
2. August 5, 2020 Public Hearing re: Bill No. 2775, Draft 2 and Bill No. 2795

E. CONSENT CALENDAR:

1. [C 2020-200](#) Communication (07/13/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jennifer Carter to the Civil Service Commission – Term ending 12/31/2022. (***See Resolution No. 2020-33***)
2. [C 2020-201](#) Communication (07/31/2020) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2020-196, relating to a donation of gift certificates from Grove Farm Foundation, valued at \$10,000.00, to help Kaua'i's *kūpuna* in need of assistance, as he is a Project Manager employed by Grove Farm Company, Inc.
3. [C 2020-202](#) Communication (08/11/2020) from Councilmember Chock, transmitting for Council consideration, the following measure for inclusion in the 2021 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2021 County of Kaua'i Legislative Package:
 - A Bill for an Act Relating to Registration of Vehicles, to amend Hawai'i Revised Statutes (HRS) Section 286-52, by enhancing the vehicle transfer process requiring both the transferor and transferee to appear in person to execute the transfer, which will better protect both parties from fraud and ensure that Counties keep current and accurate records of vehicle transfers and ownership. (***See Resolution No. 2020-34***)

F. COMMUNICATIONS:

1. [C 2020-203](#) Communication (07/30/2020) from the Housing Director, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$144,000.00, and approval to indemnify the United States Department of Housing & Urban Development (HUD), for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators' salaries and fringe benefits.

2. [C 2020-204](#) Communication (08/05/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the third, fourth, and fifth allotments in the amount of \$30,725.00 for Fiscal Year 2020 (total amount of funds including the previous approved awards is \$39,517.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

3. [C 2020-205](#) Communication (08/05/2020) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance to amend Chapter 5A of the Kaua'i County Code 1987, as amended, relating to real property tax and requirements for the home exemption. (*See Proposed Draft Bill (No. 2803)*)

G. LEGAL DOCUMENT:

1. [C 2020-206](#) Communication (07/15/2020) from Troy K. Tanigawa, Acting County Engineer, requesting Council acceptance of a gift of land and approval of the corresponding Dedication Deed, from Lihu'e Court Townhomes Corporation to the County of Kaua'i, for a non-taxable road or right-of-way, located at the eastern end of Hoala Street, Lihu'e, Hawai'i, Tax Map Key (TMK) No. (4) 3-6-003:050,
 - Dedication Deed

H. CLAIMS:

1. [C 2020-207](#) Communication (08/06/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jason P. Same, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2020-208](#) Communication (08/07/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Normandie Yadao, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2020-02:** on PWVS 2020-02 Communication (07/06/2020) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to provide a briefing on concerns related to the Solid Waste Division's overtime and the managerial efforts being made to reduce overtime costs. **[Received for the Record.]**

2. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2020-01:** on PRT 2020-01 Communication (07/07/2020) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation, to provide a briefing on the erosion damage occurring to the Ke Ala Hele Makalae multi-use path, including the location of current damage, anticipated damage, estimated repair and mitigation costs, future mitigation strategy, and respective timelines. **[Received for the Record.]**

3. PLANNING COMMITTEE:

- a. **CR-PL 2020-07:** on Bill No. 2794 A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES **[Approved.]**

4. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2020-03:** on PSHS 2020-02 Communication (07/24/2020) from Committee Chair Cowden, requesting the presence of the Housing Director, the Director of Parks & Recreation, the Chief of Police, the Emergency Management Administrator, and the Executive on Transportation, to provide a briefing regarding “Hale Kōkua” initiatives to assist the houseless and emergency shelter resources. **[Received for the Record.]**

5. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-18:** on COW 2020-07 Communication (07/10/2020) from Councilmember Kagawa, requesting the presence of the Mayor and the Managing Director, to provide a briefing to discuss what each County department/agency is doing to address pension spiking. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2020-33](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jennifer Carter*)
2. [Resolution No. 2020-34](#) – RESOLUTION APPROVING A STATE BILL RELATING TO REGISTRATION OF VEHICLES FOR INCLUSION IN THE 2021 COUNTY OF KAUAI LEGISLATIVE PACKAGE AND THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2803\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Home Exemption Requirements*)

L. BILL FOR SECOND READING:

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 (*See also CR-PL 2020-07; the Planning Committee 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.)*

1. ES-1032 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing and request settlement authority for an agreement settling potential claims between Mark Development, Inc., Koa'e Workforce Housing LP, Hawai'i Assisted Housing, Inc., and the County of Kauai, and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

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.