

## COUNTY COUNCIL

Arryl Kaneshiro, Chair  
Mason K. Chock, Vice Chair  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
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. The suspension of Chapter 92 was subsequently continued through additional Supplementary Emergency Proclamations, the most recent being his Seventeenth Supplementary Emergency Proclamation dated December 16, 2020. 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, FEBRUARY 10, 2021  
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. January 21, 2021 Special Council Meeting
2. January 27, 2021 Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-35](#) Communication (01/07/2021) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2020-2021, pursuant to Section 17 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

F. COMMUNICATIONS:

1. [C 2021-36](#) Communication (01/22/2021) from Council Chair Kaneshiro, requesting the presence of the Managing Director, Director of Finance, and representatives from N&K CPAs, Inc., to discuss the [Comprehensive Annual Financial Report \(CAFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2020. (*Copies of the CAFR, Single Audit Reports, and Management Advisory Report for the Fiscal Year Ended June 30, 2020 on file in the Office of the County Clerk.*)

2. [C 2021-37](#) Communication (01/20/2021) from the Director of Finance, requesting agenda time for a briefing from KPMG LLP, on the Information Technology Division's Countywide IT evaluation project.
  
3. [C 2021-38](#) Communication (01/20/2021) from the Acting County Engineer, requesting Council approval to receive and expend an additional \$20,000.00 of State funds, 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, which will cover salary increases for program staff associated with the Unit 13 bargaining agreement, as well as increased County fringe benefits costs.

#### G. CLAIM:

1. [C 2021-39](#) Communication (01/19/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Guiller Ruiz, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### H. COMMITTEE REPORT:

##### 1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2021-02:** on Bill No. 2816      A BILL FOR AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE 1, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO FLOODPLAIN MANAGEMENT  
[Approved as Amended.]

#### I. BILLS FOR SECOND READING:

1. [Bill No. 1993, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUA'I COUNTY CODE 1987, RELATING TO PUBLIC ACCESS-WAYS (*Deferred November 25, 2020*)

2. [Bill No. 2816, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FLOODPLAIN MANAGEMENT (*See also CR-PWVS 2021-02; the Public Works & Veterans Services Committee recommended approval of Bill No. 2816, Draft 1 on January 27, 2021.*)

**J. 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-1043 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 Roy Gal vs. County of Kaua'i, et al., Civil No. 20-00011 JMS-WRP (U.S. District Court for the District of Hawai'i). 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.

**K. ADJOURNMENT.**

- L. 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).