

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

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

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

On October 1, 2021, Governor David Y. Ige issued an Emergency Proclamation related to COVID-19 Delta Response, which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). 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 Kaua'i 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, Lihu'e, Hawai'i 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, NOVEMBER 3, 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. October 20, 2021 Council Meeting
2. October 20, 2021 Public Hearing re: Bill No. 2836 and Bill No. 2837

E. INTERVIEWS:

1. CHARTER REVIEW COMMISSION:

- [Bronson I. Bautista](#) – Term ending 12/31/2022

2. CIVIL SERVICE COMMISSION:

- [Jeffrey S. Iida](#) – Term ending 12/31/2024

3. CIVIL SERVICE COMMISSION:

- [Francis K. Kaawa](#) – Term ending 12/31/2024

F. CONSENT CALENDAR:

1. [C 2021-244](#) Communication (09/23/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Beverly A. Gotelli (Labor) to the Civil Service Commission – Term ending 12/31/2023. (**See Resolution No. 2021-31**)

2. [C 2021-245](#) Communication (10/04/2021) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kauaʻi:
- a. Board of Review
 - Katherine L. Otsuji – Term ending 12/31/2024
 - b. Board of Water
 - Kurt Akamine – Term ending 12/31/2024
 - c. Charter Review Commission
 - Reid R. Kawane – Term ending 12/31/2024
 - Lori K. Koga – Term ending 12/31/2024
 - d. Civil Service Commission
 - V. Pamai Cano – Term ending 12/31/2024
 - e. Fire Commission
 - Jennie Chahanovich – Term ending 12/31/2024
 - Alfredo C. Garces – Term ending 12/31/2024
 - f. Historic Preservation Review Commission
 - Stephen W. Long (*Planning*) – Term ending 12/31/2024
 - Carolyn Larson (*History*) – Term ending 12/31/2024
 - g. Public Access, Open Space, Natural Resources Preservation Fund Commission
 - Taryn A. M. Dizon (*Waimea/Kekaha*) – Term ending 12/31/2024 (**See Resolution No. 2021-32, Resolution No. 2021-33, Resolution No. 2021-34, Resolution No. 2021-35, Resolution No. 2021-36, Resolution No. 2021-37, Resolution No. 2021-38, Resolution No. 2021-39, Resolution No. 2021-40, and Resolution No. 2021-41**)

G. COMMUNICATION:

1. [C 2021-246](#) Communication (10/15/2021) from the Chief of Police, Deputy Chief of Police, and Mark Begley, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval to receive and expend Federal funds, in the amount of \$364,790.00, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following six (6) primary traffic related functions: Data Traffic Records, Distracted Driver, Occupant Protection, Road Block / Youth Deterrence, Speed, and Traffic Services, to include purchase of equipment, supplies, training, travel expenses, media expenses, et cetera.

H. LEGAL DOCUMENT:

1. [C 2021-247](#) Communication (10/18/2021) from the Acting County Engineer, recommending Council approval of a Grant of Easement, including the indemnification provisions contained therein, made by and between the County of Kaua'i and GCT Properties (Mokihana Hotel), situated at Tax Map Key (TMK) No. (4) 4-3-007:011 (Portion), for a perpetual non-exclusive easement to build, construct, reconstruct, rebuild, repair, maintain, and operate a bike and pedestrian shared-use path for public access purposes.

- Grant of Easement

I. COMMITTEE REPORT:1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **PRT 2021-02:** on PRT 2021-02 Communication (09/28/2021) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation and the Deputy Director of Parks & Recreation, to provide an update on Black Pot Beach Park, the status of providing picnic tables at each County park, and the status of tree and vegetation removal at County parks.
[Received for the Record.]

J. RESOLUTIONS:

1. [Resolution No. 2021-31](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Beverly A. Gotelli*)
2. [Resolution No. 2021-32](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Katherine L. Otsuji*)
3. [Resolution No. 2021-33](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER SUPPLY (*Kurt S. Akamine*)
4. [Resolution No. 2021-34](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Reid K. Kawane*)
5. [Resolution No. 2021-35](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO CHARTER REVIEW COMMISSION (*Lori K. Koga*)
6. [Resolution No. 2021-36](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*V. Pamai Cano*)
7. [Resolution No. 2021-37](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Jennie Chahanovich*)
8. [Resolution No. 2021-38](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Alfredo C. Garces*)
9. [Resolution No. 2021-39](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Stephen W. Long – Planning*)
10. [Resolution No. 2021-40](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Carolyn R. Larson – History*)
11. [Resolution No. 2021-41](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Taryn A. M. Dizon – Waimea / Kekaha*)

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-1064 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by Hawaiian Telcom, Inc. 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 Governor David Y. Ige's COVID-19 Delta Response Emergency Proclamation dated October 1, 2021, 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; 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 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.

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. 2838](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kaua'i County Council, Applicant*) (ZA-2021-2 – *Planning Commission Recommendation*)

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 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.