

COUNTY COUNCIL

Arryl Kaneshiro, Chair
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Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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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 17, 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. November 3, 2021 Council Meeting
2. November 3, 2021 Public Hearing re: Bill No. 2838

E. CONSENT CALENDAR:

1. [C 2021-248](#) Communication (10/08/2021) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kaua‘i:
 - a. Charter Review Commission
 - Bronson I. Bautista – Term ending 12/31/2022
 - b. Civil Service Commission
 - Jeffrey S. Iida – Term ending 12/31/2023 (*See Resolution No. 2021-42 and Resolution No. 2021-43*)
2. [C 2021-249](#) Communication (10/21/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Francis K. Kaawa (Labor) to the Civic Service Commission – Term ending 12/31/2023. (*See Resolution No. 2021-44*)

3. [C 2021-250](#) Communication (11/08/2021) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the Planning Commission:

- Donna A. Apisa (*Labor*) – Term ending 12/31/2024
- Helen A. Cox (*Environmental*) – Term ending 12/31/2023 (***See Resolution No. 2021-45 and Resolution No. 2021-46***)

F. COMMUNICATIONS:

1. [C 2021-251](#) Communication (11/04/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2021-877, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2021 Through June 30, 2022, By Revising The Amounts Estimated In The General Fund, to cover the County's insurance premiums which have exceeded prior estimates. (***See Proposed Draft Bill (No. 2841)***)
2. [C 2021-252](#) Communication (11/04/2021) from the Acting County Engineer, transmitting for Council consideration, a Resolution Adopting The 2021 Integrated Solid Waste Management Plan Update For The County of Kaua'i, and requesting agenda time for the County's consultant, Jacobs Engineering Group, Inc., to present the final Integrated Solid Waste Management Plan Update, to include an overview of the planning process, its content and focus, and the implementation plan, timelines, and estimated costs for program improvements. (***See Resolution No. 2021-47***)

G. LEGAL DOCUMENT:

1. [C 2021-253](#) Communication (11/04/2021) from the Acting County Engineer, recommending Council approval, of a Right-of-Entry and Soil Removal License and the indemnification clause in provision #18(e), between the County of Kaua'i, the State of Hawai'i Agribusiness Development Corporation, Kekaha Agriculture Association granting access to a parcel situated at Tax Map Key (TMK) No. (4) 1-2-002:001, Kekaha, Kaua'i, Hawai'i, to remove soil from the mud press mounds left by Kekaha Sugar Company in Paua Valley for use as cover soil for the Kekaha Landfill.
- Right-of-Entry and Soil Removal License

H. CLAIM:

1. [C 2021-254](#) Communication (11/03/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Warunee Feinberg, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **PL 2021-03:** on Bill No. 2836 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2021-4) [Approved.]

2. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **HIR 2021-04:** on Bill No. 2837 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY HOUSING AGENCY [Approved as Amended.]

J. RESOLUTIONS:

1. [Resolution No. 2021-42](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Bronson I. Bautista*)
2. [Resolution No. 2021-43](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*)
3. [Resolution No. 2021-44](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Francis K. Kaawa – Labor*)
4. [Resolution No. 2021-45](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Donna A. Apisa – Labor*)

5. [Resolution No. 2021-46](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox – Environmentalist*)

6. [Resolution No. 2021-47](#) – RESOLUTION ADOPTING THE 2021 INTEGRATED SOLID WASTE MANAGEMENT PLAN UPDATE FOR THE COUNTY OF KAUAI

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2841\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Liability Insurance Premiums - \$315,000.00*)

L. BILLS FOR SECOND READING:

1. [Bill No. 2836](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT (*County of Kauai Planning Department, Applicant*) (ZA-2021-4) (See also CR-PL 2021-03; the Planning Committee recommended approval on second and final reading.)

2. [Bill No. 2837, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY HOUSING AGENCY (See also CR-HIR 2021-04; the Housing & Intergovernmental Relations Committee recommended approval as amended to Bill No. 2837, Draft 1 on November 3, 2021.)

M. EXECUTIVE SESSION: Pursuant to Hawaii 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. 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. 2839](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Liability – \$900,000.00*)
 2. [Bill No. 2840](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*County of Kauai Transient Accommodations Tax – \$9,000,000.00*)
- P. 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.