

## 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](mailto:cokcouncil@kauai.gov)

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

On November 29, 2021, Governor David Y. Ige issued an 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). 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](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, 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](mailto:cokcouncil@kauai.gov) or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). 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, DECEMBER 15, 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 meeting of the Council:

1. December 1, 2021 Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-268](#) Communication (11/30/2021) from Councilmember Carvalho and Councilmember DeCosta, transmitting for Council consideration, a Resolution Acknowledging The Increasing Scourge Of Drugs In Our Community And Encouraging Heightened Enforcement Within Drug-Free Zones. (*See Resolution No. 2021-51*)

F. COMMUNICATIONS:

1. [C 2021-269](#) Communication (11/30/2021) from the Executive on Transportation, requesting Council approval to receive and expend the Federal Transit Administration (FTA) Section 5311 American Rescue Plan Act of 2021 (ARP) grant, in the amount of \$1,879,773.00, and to indemnify the FTA. This Section 5311 grant will be used to support the continued operation of essential public bus transit services for the County of Kaua'i.

2. [C 2021-270](#) Communication (12/01/2021) from the Executive on Aging, requesting Council approval to apply for, receive, and expend Year 2 grant funding awarded by the Corporation for National and Community Service to the County of Kauaʻi, Agency on Elderly Affairs, Kauaʻi Retired and Senior Volunteer Program (RSVP) for the three-year period of April 1, 2021 to March 31, 2024, in the amount of \$75,000.00 per year, combined with matching County funds in the amount of \$181,577.00, to assist Kauaʻi RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).
  
3. [C 2021-271](#) Communication (12/03/2021) from the County Attorney on behalf of the Housing Director, requesting authorization to expend funds up to \$150,000.00 to retain Special Bond Counsel to advise the Housing Agency on the issuance of tax-exempt Private Activity Bonds to finance the development of affordable housing.

#### G. CLAIMS:

1. [C 2021-272](#) Communication (12/01/2021) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Mario Yriarte, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.
  
2. [C 2021-273](#) Communication (12/02/2021) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Wilfred Kauai, Jr., for personal injury, injury to his horse, and related medical bills, pursuant to Section 23.06, Charter of the County of Kauaʻi.
  
3. [C 2021-274](#) Communication (12/02/2021) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Aaron Swanson, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.

#### H. COMMITTEE REPORTS:

##### 1. PLANNING COMMITTEE:

- a. **CR-PL 2021-05:** on Bill No. 2831 A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, AS AMENDED BY ORDINANCE NO. PM-2009-394, RELATING TO ZONING DESIGNATION IN NĀWILIWILI, KAUAI (*Tower Kauaʻi Lagoons Sub 1, LLC; 2014 Kauaʻi Lagoons Golf, LLC; Tower Kauaʻi Lagoons Land, LLC; Tower Kauaʻi Lagoons Sub 7, LLC, Applicant*) (ZA-2021-3) **[Approved as Amended.]**

**2. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2021-12:** on 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) **[Approved.]**
- b. **CR-COW 2021-13:** on 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) **[Approved.]**

**I. RESOLUTION:**

1. [Resolution No. 2021-51](#) – RESOLUTION ACKNOWLEDGING THE INCREASING SCOURGE OF DRUGS IN OUR COMMUNITY AND ENCOURAGING HEIGHTENED ENFORCEMENT WITHIN DRUG-FREE ZONES

**J. BILLS FOR SECOND READING:**

1. [Bill No. 2044](#) – A BILL FOR AN ORDINANCE TO AMEND OPEN DISTRICT DESIGNATIONS ON ZONING MAP ZM-PR700 AT PRINCEVILLE, KAUAI, HAWAII (*Deferred Indefinitely on November 25, 2020*)
2. [Bill No. 2831, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITIONS IN ORDINANCE NO. PM-2006-383, AS AMENDED BY ORDINANCE NO. PM-2009-394, RELATING TO ZONING DESIGNATION IN NAWILIWILI, KAUAI (*Tower Kauai Lagoons Sub 1, LLC; 2014 Kauai Lagoons Golf, LLC; Tower Kauai Lagoons Land, LLC; Tower Kauai Lagoons Sub 7, LLC, Applicant*) (ZA-2021-3) (*See also CR-PL 2021-05; the Planning Committee recommended approval as amended to Bill No. 2831, Draft 1 on December 1, 2021.*)

3. [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 KAUA‘I, 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*) (See also *CR-COW 2021-12; the Committee of the Whole recommended approval on second and final reading.*)

4. [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 KAUA‘I, 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 Kaua‘i Transient Accommodations Tax – \$9,000,000.00*) (See also *CR-COW 2021-13; 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-1067 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 to provide a briefing to approve a settlement amount as part of the Opioid Litigation against McKesson, Cardinal Health, AmerisourceBerge, Janssen Pharmaceuticals, Inc., and Johnson & Johnson, 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.

2. ES-1068 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 to provide a briefing as it relates to the New Kaua‘i Landfill Siting, 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.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige's COVID-19 Emergency Proclamation dated November 29, 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](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 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). 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. 2841](#) – 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 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*)

- 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).