

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 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 Nineteenth Supplementary Emergency Proclamation dated April 9, 2021. 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, MAY 19, 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. May 5, 2021 Council Meeting
2. May 5, 2021 Public Hearing re: Bill No. 2823
3. May 12, 2021 Public Hearing re: Resolution No. 2021-14, Bill No. 2818, and Bill No. 2819

E. INTERVIEW:

1. LIQUOR CONTROL COMMISSION:

- [Tess Kimie Shimabukuro – Term ending 12/31/2023](#)

F. CONSENT CALENDAR:

1. [C 2021-115](#) Communication (04/29/2021) from the Director of Human Resources, transmitting for Council information, the May 1, 2021 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

2. [C 2021-116](#) Communication (05/04/2021) from the Director of Finance, transmitting for Council information, the following reports:
 - a. County of Kaua'i Bond Summary of General Long-Term Debt Rollforward for the period July 1, 2020 through May 4, 2021; Rollforward for Fiscal Year 2021;
 - b. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of May 4, 2021 and June 30, 2021; and Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of May 4, 2021 and June 30, 2021: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds, Series 2012 and Series 2019.

3. [C 2021-117](#) Communication (05/05/2021) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 8, 2021.

4. [C 2021-118](#) Communication (05/05/2021) from the Acting County Engineer, transmitting a Resolution Amending Resolution No. 2021-09, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Waimea R-1 Wastewater Distribution System Upgrades, Project No. C150047-09. (***See Resolution No. 2021-21***)

G. COMMUNICATIONS:

1. [C 2021-119](#) Communication (04/26/2021) from the Chief of Police and Elliott Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval to receive and expend State funds, not to exceed \$11,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as reimbursement for overtime expenditures associated with the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258 prohibiting tobacco sales to minors via Memorandum of Agreement 2022-PB-002 effective September 1, 2021 through August 31, 2022.

2. [C 2021-120](#) Communication (04/29/2021) from the Chief of Police and Elliott Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval to apply for, receive, and expend Federal funds, in the estimated amount of \$8,000.00, from the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Grant funding program, for replacement of bulletproof vests to ensure officer safety. The grant program has a local match of fifty percent (50%) from the Kaua'i Police Department (Account No. 001-1003-551-65-00, Collective Bargaining) for the acquisition of the bulletproof (protective) vests and related accessories to be utilized by the officers of the Kaua'i Police Department.

3. [C 2021-121](#) Communication (04/30/2021) from the Director of Finance, requesting Council approval to amend the appropriations amount provided to the County of Kaua'i by the State Legislature through its Regular Session, Act 40 (2019), as amended by Act 6 (2020), which was approved by the Council on October 21, 2020 as agenda item C 2020-253. The amended appropriation amount is \$12,680,000.00; the previous communication incorrectly included the County's required match as part of the State's Appropriation and an incorrect aggregate appropriation amount of \$15,500,000.00.

H. COMMITTEE REPORTS:

1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2021-03:** on Bill No. 2820 A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*) **[Approved as Amended.]**

- b. **CR-FED 2021-04:** on Bill No. 2821 A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*) **[Approved as Amended.]**

I. RESOLUTION:

1. [Resolution No. 2021-21](#) – RESOLUTION AMENDING RESOLUTION NO. 2021-09, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA R-1 WASTEWATER DISTRIBUTION SYSTEM UPGRADES, PROJECT NO. C150047-09

J. BILLS FOR SECOND READING:

1. [Bill No. 2820, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*) (See also CR-FED 2021-03; the Finance & Economic Development Committee recommended approval of Bill No. 2820, Draft 1 on May 5, 2021.)

2. [Bill No. 2821, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*) (See also CR-FED 2021-04; the Finance & Economic Development Committee recommended approval of Bill No. 2821, Draft 1 on May 5, 2021.)

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-1054 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 with the Council, to provide the Council with a briefing and request for settlement authority in the matter of Trevor Wright vs. County of Kauai, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). 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. 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.