

COUNCIL MEETING

JANUARY 26, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, January 26, 2022, at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock (*via remote technology*)
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin (*via remote technology*)
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Excused: Honorable Bernard P. Carvalho, Jr.

Council Chair Kaneshiro: Today's meeting will be conducted pursuant to Act 220, Session Laws of Hawai'i 2021 and Governor Ige's Emergency Proclamation Related to Sunshine Law In-Person Meetings dated December 29, 2021. Councilmember Carvalho will be excused from today's meeting and Council Vice Chair Chock and Councilmember Evslin will be appearing remotely. Please note that we do not have any registered speakers this morning for any of our agenda items.

APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion on the agenda?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Carvalho was excused*).

Council Chair Kaneshiro: The motion is carried. Next item are the minutes.

MINUTES of the following meetings of the Council:

January 12, 2022 Council Meeting

January 12, 2022 Public Hearing re: Bill No. 2834

Councilmember Kualii moved for to approve the minutes, as circulated, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the Minutes, as circulated, was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

JADE FOUNTAIN-TANIGAWA, County Clerk: Next up is the Consent Calendar.

CONSENT CALENDAR:

C 2022-11 Communication (11/16/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Rodney N. Yama to the Fire Commission – Term ending 12/31/2024.

C 2022-12 Communication (12/16/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Andrew M. Bestwick to the Police Commission – Term ending 12/31/2024.

C 2022-13 Communication (01/03/2022) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 17 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022.

C 2022-14 Communication (01/13/2022) from Charles A. Foster, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from October 1, 2021 through December 31, 2021.

Councilmember Kualii moved to receive 2022-11, C 2022-12, C 2022-13, and C 2022-14 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive 2022-11, C 2022-12, C 2022-13, and C 2022-14 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Carvalho was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

COMMUNICATIONS:

C 2022-15 Communication (01/05/2022) from the Fire Chief, requesting Council approval to accept a donation of one (1) Solar PA System for the Keālia Lifeguard Tower, valued at \$3,979.06, from the Kaua'i Lifeguard Association (KLA), on behalf of Nathan Wood General Contractor, LLC.

Councilmember Kualii moved to approve C 2022-15 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions on this item? If not, is there any final discussion from the Members? Councilmember DeCosta.

Councilmember DeCosta: I would like to say that I have Nathan Wood's son in my Build and Construction class and he is a gem of a student. I met his parents, and they are excellent community members. Thank you so much to them for doing this.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to recognize Nathan Wood and the Kaua'i Lifeguard Association (KLA). What a profound difference it makes—and to all the people who donate to KLA through the visitor industry, it makes a big difference. Gratitude.

Council Chair Kaneshiro: Okay. Is there anyone else?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2022-15 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1 (*Councilmember Carvalho was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-16 Communication (01/10/2022) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of Section 5.3 Site Issues and Section 7.3 Customer Indemnity terms and conditions of the Motorola Computer Aided Dispatching (CAD) / Records Management System (RMS) contract documents for a five-year multi-term contract for service, maintenance, and upgrades.

Councilmember Kualii moved to approve C 2022-16, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions from the Members?
If not, is there any final discussion from the Members?
(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2022-16 was then put, and carried by a vote of 6:0:1
(Councilmember Carvalho was excused).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-17 Communication (01/12/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$6,408.00, for the second allotment, of the Fiscal Year 2022 Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals (total amount of funds including the previous approved awards is \$11,459.00), and to indemnify the State Executive Office on Aging.

Councilmember Kualii moved to approve C 2022-17, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions from the Members?
Is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to approve C 2022-17 was then put, and carried by a vote of 6:0:1
(Councilmember Carvalho was excused).

Council Chair Kaneshiro: The motion is carried. Next item.

CLAIM:

C 2022-18 Communication (01/07/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sammy Perpose, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Cowden moved to refer C 2022-18 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to refer C 2022-18 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2022-01) submitted by the Public Works & Veterans Services Committee, recommending that the following be Received for the Record:

“Communication (12/21/2021) from Council Chair Kaneshiro, requesting the presence of the Acting County Engineer, to provide a briefing regarding the siting of a new landfill,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for approval of the reports was then put, and carried by a vote of 6:0:1 *(Councilmember Carvalho was excused)*.

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2022-01) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“Communication (12/23/2021) from Councilmember Cowden, requesting the presence of the Managing Director, to provide a briefing regarding the status of funding in the amount of \$38,542,373.54, from the State of Hawai‘i, pursuant to Act 12, Session Laws of Hawai‘i (SLH) 2018 as amended by Act 35, SLH 2019, relating to flood risk mitigation,”

A report (No. CR-COW 2022-02) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“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 HAWAI‘I, 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*),”

Councilmember Kualīi moved for approval of the reports, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion for approval of the report was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next item.

RESOLUTIONS:

Resolution No. 2022-03 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Rodney N. Yama*)

Councilmember Kualīi moved for adoption of Resolution No. 2022-03, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, we will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2022-03 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, DeCosta, Evslin Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2022-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION *(Andrew M. Bestwick)*

Councilmember Kuali'i moved for adoption of Resolution No. 2022-04, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, we will take a roll call vote.

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion for adoption of Resolution No. 2022-04 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, DeCosta, Evslin Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: Next item.

BILL FOR SECOND READING:

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 HAWAI'I, 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)*

Councilmember Kualii moved to approve Bill No. 2841 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion on this?
Councilmember Cowden.

Councilmember Cowden: I want to appreciate our Director of Finance for finding new insurance coverage. For people watching, we already discussed this, so we are approving it easily. I want to recognize that this is really significant when we are in a time of significant inflation and our insurance is for a lesser amount at twice the cost. We have to be cautious and careful about the choices that we make. This is my understanding of something that is happening across the country. While we pass this simply. Thank you to the Department of Finance for finding new carriers. I want to acknowledge that it is a significant change. It is important.

Council Chair Kaneshiro: Is there anyone else for discussion? If not, we will take a roll call vote.

(Written testimony was received and registered speakers requested to testify regarding this agenda item.)

The motion to approve Bill No. 2841 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Kaneshiro: Next up, we have Executive Session.

EXECUTIVE SESSION:

ES-1069 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1069, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions or discussion before we go into Executive Session?

(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)

The motion to convene in Executive Session for ES-1069 was then put, and carried by the following vote:

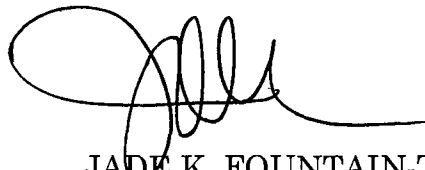
FOR EXECUTIVE SESSION:	Chock, Cowden, DeCosta	
	Evslin, Kualii, Kaneshiro	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: The motion is carried. Being that we do not have to come back out to vote on this Executive Session, that concludes the business on our agenda. Not seeing or hearing any objections, this meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 8:44 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

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