

COUNCIL MEETING

FEBRUARY 9, 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, February 9, 2022, at 10:22 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kualii
Honorable Arryl Kaneshiro

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 January 26, 2022.

APPROVAL OF AGENDA.

Councilmember Kualii moved for approval of the agenda, as circulated, seconded by Councilmember Chock.

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 agenda, as circulated, was then put, and unanimously carried.

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

MINUTES of the following meeting of the Council:

January 26, 2022 Council Meeting

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

Council Chair Kaneshiro: Are there any questions or discussion on this item 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 minutes, as circulated, was then put, and unanimously carried.

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

CONSENT CALENDAR:

C 2022-19 Communication (01/18/2022) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2021; pursuant to Kaua'i County Charter Section 19.14.

Councilmember Kualii moved to receive C 2022-19 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 this agenda item.)

The motion to receive C 2022-19 for the record was then put, unanimously carried.

Council Chair Kaneshiro: The motion is carried. At this time, I am going to read us into Executive Session, which we are scheduled for at 10:30 a.m., so we are on time. We will go into our Executive Session and come back and finish the Council Meeting and Committee Meetings.

There being no objections, ES-1070 was taken out of order.

EXECUTIVE SESSION:

ES-1070 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and 92-5(a)(8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council's legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval to settle a workers' compensation claim. This deliberation and/or decision-making involves matters that require the consideration of information that must be kept confidential due to significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, and evaluation. This information is protected from disclosure pursuant to state or federal law, including the Health Insurance Portability and Accountability Act.

Councilmember Kualii moved to convene in Executive Session for ES-1070, 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-1070 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

There being no objections, the meeting recessed at 10:34 a.m., to convene in Executive Session.

The meeting reconvened at 10:45 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are still on page 1, Communications.

COMMUNICATIONS:

C 2022-20 Communication (01/13/2022) from the Director of Finance, requesting Council approval of the indemnification language contained in the Property Damage Release and Indemnity Agreement and to accept payment of \$7,737.86 for the replacement of the damaged air conditioner unit that is located outside of the Information Technology office facing Kūhiō Highway that sustained damages in an automobile accident on September 9, 2021.

Councilmember Kualii moved to approve C 2022-20, seconded by Councilmember Carvalho.

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

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

The motion to approve C 2022-20 was then put, and unanimously carried.

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

C 2022-21 Communication (01/13/2022) from the Housing Director, requesting Council approval to dispose of the Section 8 Division Records, in accordance with Section 46-43, Hawai'i Revised Statutes, and Resolution No. 2021-48, which have met the three (3) years or more retention period:

- Wait List – Lottery (Applicants not selected by lottery) from 2014;
- Wait List Pull – Inactive (Applicants mail returned due to insufficient address with no forwarding address. Applicants did not respond to waitlist pull letters. Voucher expired – issued with no tenancy lease up.) from 2014-2017;
- Wait List Reports (Wait list listing by year) from 2008-2011;
- HCV EP Files (Participants files that ended participation with agency) from 2005-2017;
- HCV EP with Cause Files (Participant files that participation ended due to program violation) from 2014-2016;
- HCV QC Audit Files – Inspections (Quality Control Audits on Inspections – participant tenancy) from 2012-2016;
- FSS Closed Files (Participant files that have graduated or exited the FSS program) from 1998-2016; and
- FSS Homeownership Files (Participants that completed the FSS Homeownership program) from 2004-2014.

Councilmember Kualifi moved to approve C 2022-21, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: Adam, I have a simple question. Are these physical records that are going to be disposed of? If someone is still on the waitlist from before then, they are on a current version of the waitlist, would that be correct? Am I interpreting that right?

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director (*via remote technology*): *Aloha.*
Adam Roversi from the Housing Agency. That is correct. The current waitlist is a 2021 waitlist that is maintained in a cloud-based software system, so there are no hard copies. All of the referenced paper documents are historic waitlist pulls that do not affect anyone who is currently waiting for Housing Choice Voucher (HCV) assistance.

Councilmember Cowden: Okay. We are just throwing the paper away.

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

There being no objections, the meeting was called back to order and proceeded as follows:

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

The motion to approve C 2022-21 was then put, and unanimously carried.

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

C 2022-22 Communication (01/20/2022) from the Fire Chief, requesting Council approval to accept a donation of sixteen (16) used televisions, valued at \$3,200.00, from the Marriott Waiohai Beach Club, on behalf of Clinton Makanani, Multi-Site Director of Safety & Security, which will be distributed to all stations on the island for recreational use in common areas.

Councilmember Kualii moved to approve C 2022-22 with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions on this item? Is there any discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just want to say it is nice—keep our people comfortable in their places with newish televisions. We appreciate the donation, Marriott.

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

The motion to approve C 2022-22 with a thank-you letter to follow was then put, and unanimously carried.

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

C 2022-23 Communication (01/21/2022) from the Fire Chief, requesting Council approval to apply for, receive, and expend United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG), in the amount of \$597,272.73 (\$59,727.27 County Match), to fund the purchase of one (1) fire engine to replace an existing apparatus at Fire Station 6 at Hanapēpē and in the amount of \$112,272.27 (\$11,272.73 County Match) for Firefighter Health and Wellness including behavioral health support, cancer screenings, and exposure reporting for Kaua'i Firefighters.

Councilmember Kualii moved to approve C 2022-23, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this? Councilmember Cowden, then Council Vice Chair Chock.

Councilmember Cowden: Thank you. This new fire truck looks like it is about the same cost as what we had in Waimea, is this a similar design? Is it by the same company and similar?

There being no objections, the rules were suspended.

STEVEN R. GOBLE, Fire Chief (*via remote technology*): Correct, yes. Steven Goble, Fire Chief. Yes, it is a very similar truck to that one that we just purchased for Waimea.

Councilmember Cowden: Okay. Regarding behavioral health support and cancer screenings, we do health and wellness...is this a current procedure that we do, or is this additional to what we have been doing?

Mr. Goble: This is in addition to what we currently have in place. In the past, we have had a similar behavioral health support team; however, that team has drifted to the wind over the many years since the last training session, so this is an effort to revitalize that group and retrain for pure support purposes. The cancer screenings are in addition to the annual physicals that are currently offered to the firefighters—this is above and beyond that baseline evaluation. The third piece of that is exposure reporting, which puts a tool in our firefighters' hands, so that they have a consistent way of reporting exposures at fire scenes, medical scenes, or whatever the case may be, so that they can maintain a consistent record.

Councilmember Cowden: I am very thankful for that. We have seen in big cities in different places where there have been difficult outcomes over the long haul for people with high exposure. What is our cancer events amongst our staff? Is it typical of the American population, or does it seem higher?

Mr. Goble: Across the fire service there is greater incidence of cancer in career firefighters. Our experience here is, unfortunately, last year we had the passing of Firefighter Kalani Telles from cancer. A young man in the prime of his life, still a career firefighter that passed away from cancer. So this is an initiative that is not just a Kaua'i or Hawai'i initiative—this is a Nationwide initiative to catch these horrible diseases before they become devastating to our workforce.

Councilmember Cowden: I am thankful for that and I am sure in the behavioral health area there is quite a lot of trauma on a routine basis of what people go through, so thank you for making this effort.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. Thank you, Chief. If we are successful at this grant to replace the Station 6 apparatus, can you tell us where

we will be? I know we have done a lot of replacements, I just want to know where we are in terms of need moving forward and what other apparatus need to be replaced.

Mr. Goble: We recently put together a replacement plan that identified and rated all of our frontline apparatuses for their current conditions and projected lifespans, so to speak, so this Engine 6 is next on the radar. We also have Engine 5 on the westside that is of the same era. I think they were purchased within a year of each other—that would be the next on the list and that is actually part of our proposal in the upcoming budget conversation. Following that, we have an apparatus at the Kaiākea Station that would be the next fire engine due for replacement. We see three (3) engines within the next three (3) years that we would attempt to replace based on age, mileage, general condition, and our repair costs associated with each apparatus.

Councilmember Chock: Thank you very much.

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

There being no objections, the meeting was called back to order, and proceeded as follows:

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

The motion to approve C 2022-23 was then put, and unanimously carried.

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

C 2022-24 Communication (01/21/2022) from the Chief of Police, requesting Council approval of the indemnification provisions included in Navigate 360's Terms of Service Agreement for the Crimestoppers P3 App, which is used to securely manage anonymous tips from the public to assist law enforcement efforts.

Councilmember Kualii moved to approve C 2022-24, seconded by Councilmember DeCosta.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: Thank you for this, I am assuming this is a continuation of the system that we have been using.

There being no objections, the rules were suspended.

BRYSON PONCE, Assistant Chief of Police, Investigative Services Bureau *(via remote technology)*: Yes, that is correct. We started with the P3 online platform for anonymous tips back in 2019 for the Kaua'i Crimestoppers

Program. It is the only platform designed to manage anonymous tips and it has been really useful to be able to manage, assign, and track.

Councilmember Cowden: I have given this information out quite a bit. Are you getting a lot of tips through it? I posted it. I announced it. If you can give whatever viewer might be listening...you would go in there and make a complaint or an observation, you are insulated from anyone including the police department knowing who put out the tip, right? It goes out to a third party.

Mr. Ponce: Absolutely. The P3 App software for the Crimestoppers program is designed for the caller to remain anonymous and to keep the information segregated so that we do not know who is providing the information. Encouraging people to call...We get a lot of tips that come in involving suspicious activity, drug activity—anything from domestic violence calls, tips on missing persons, cold case homicides, so it is a good platform for those who want to provide information, but want to do it under the color of anonymity.

Councilmember Cowden: What is the web address? Do you go to Crimestoppers Kaua'i and google that and load it on your phone? I have it loaded on my phone.

Mr. Ponce: It is an app that you can download and you report it that way.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there final discussion? Councilmember Cowden.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I just want to appreciate this and I find when people call me and they are nervous to tell about something they are aware of, I can see the relief on someone when I show them how to do it and you can put pictures in and you will not be traced. I think it is a good way when people see drug activity that is harming the community, so I am grateful that we have this.

Council Chair Kaneshiro: 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 2022-24 was then put, and unanimously carried.

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

C 2022-25 Communication (01/24/2022) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5,

Article 4, Kaua'i County Code 1987, As Amended, Relating To County Transient Accommodations Tax, to align language in the Kaua'i Transient Accommodations Tax (KTAT) legislation with that of the State and other county jurisdictions.

Councilmember Kualii moved to receive C 2022-25 for the record, seconded by Councilmember Chock.

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 receive C 2022-25 for the record, was then put, and unanimously carried.

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

C 2022-26 Communication (01/25/2022) from the Executive on Transportation, requesting Council approval of a revised Base Memorandum of Agreement (MOA) for all Federal Transit Administration (FTA) Section 5311 and 5339 grants, and to indemnify the FTA, which covers grant HI-2021-011 and was previously approved via C 2019-147 on June 26, 2019, and C 2021-177 on August 4, 2021 and will remain valid for five (5) years.

Councilmember Kualii moved to approve C 2022-26, 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 this agenda item.)

The motion to approve C 2022-26 was then put, and unanimously carried.

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

C 2022-27 Communication (01/27/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$2,000,000.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2022 that began February 1, 2022 and runs through January 31, 2024.

Councilmember Kualii moved to approve C 2022-27, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: *Aloha*, Kealoha. Thank you for all the hard work that you do. I looked at some of the budgetary details—thank you for sending that. It looks like two hundred forty-eight thousand dollars (\$248,000), roughly two hundred fifty thousand dollars (\$250,000) a year for the next two (2) years to continue and support the programs that we do. I was really excited when I saw two million dollars (\$2,000,000) and not five hundred thousand dollars (\$500,000), so what is going to happen with the other one million five hundred thousand dollars (\$1,500,000)? Do we know?

There being no objections, the rules were suspended.

LUDVINA K. TAKAHASHI, Executive on Aging (*via remote technology*):
Aloha, Kealoha Takahashi, Executive on Aging. The State is sending funding incrementally as it becomes available. During the course of the year, we should see money coming in. We already have the base funding as you saw my end modification number one (1), so we will get the money, this is just a normal way of providing the funding.

Councilmember Cowden: Okay, it is not like we are getting a windfall of anything extra.

Ms. Takahashi: Yes.

Councilmember Cowden: I was hoping we were going to get something bigger. Thank you.

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

There being no objections, the meeting was called back to order, and proceeded as follows:

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

The motion to approve C 2022-27 was then put, and unanimously carried.

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

CLAIMS:

C 2022-28 Communication (01/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Neil and Michelle Young, for damage to their vehicle and personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2022-29 Communication (01/20/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance Company as subrogee of Allison Jacobson, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2022-28 and C 2022-29 to the Office of the County Attorney for disposition and/or report back to the Council, 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 these agenda items.)

The motion to refer C 2022-28 and C 2022-29 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

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

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2844) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY TRANSIENT ACCOMMODATIONS TAX

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2844) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?
Councilmember Cowden.

Councilmember Cowden: Can we get an explanation? I looked through it and there are quite a few areas that are added, though overall it looks to me like it is just dotting some "Is" and crossing some "Ts" on how we are going to implement receiving this extra three percent (3%). It looks like it is standard procedure, but before I vote to approve it, if you could explain it.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance (*via remote technology*): Good morning, Reiko Matsuyama, Director of Finance. Yes, you are correct, Councilmember Cowden. It is mostly cleanup measures. We kind of rushed this through in July at first reading for you folks, so that we could enact the Transient Accommodations Tax (TAT)

as soon as possible. That being said, there were some things that were left out, some inadvertently—that was my fault. Then there were others that were not effective in Hawai'i Revised Statutes (HRS) until January 1, 2022, so we could not make those changes at that time, so I included all of those. Because we are first, I tried to replicate some of the things that were in the other bills in the other counties that have passed, so that we are consistent. Right now, we are trying to set up a software solution with Hawai'i Island and Maui, and we need to be aligned so that we can get the most “bang for our buck” and make sure that things are consistent throughout the implementation—those changes are also included in here. The one thing that I left out, that was my fault, in the first legislation was the area of penalty, so this is just to be aligned with the State and all the other counties to include the penalty language.

Councilmember Cowden: Okay. I see a five thousand dollar (\$5,000) threshold where you do not need our help to take any action or approval, so if someone does not file a tax return—basic things like that—basic ways of managing the individual property or larger property like a resort, which you would think they would have it together, but the small single-home renter might struggle at adapting, although it is going to be aligned with the State. So what you are saying is you are in alignment with the State, so it should not be anything unexpected for the provider.

Ms. Matsuyama: That is correct. We are trying to mirror the State as much as possible. The first bill that was passed was good, it was close. Again, like I said, there were some edits in the HRS that became effective January 1, 2022, so we could not do those initially. We knew we needed to make an amendment come January 1, 2022, so while I was doing that I threw some of these other things to be consistent with all the other counties based on the legislation that they had passed.

Councilmember Cowden: Thank you.

Ms. Matsuyama: Okay.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Reiko, thank you for all you do. Your Department is very impressive on how you folks run things. I am a little bit nervous. Do you have the personnel support to handle this influx of TAT coming in? We do not want you folks to be bombarded. What do you folks need to handle this?

Ms. Matsuyama: Thanks to the Council for approving the three (3) positions when we did the money bill to get the revenue established. I have not filled those yet. I am interviewing right now for a couple of positions and I hope to post the supervisor position very soon, but right now they are all vacant. I think I have what I need if I have warm bodies.

Councilmember DeCosta: Thank you, Reiko.

Council Chair Kaneshiro: Are there any further questions from the Members? Is there final discussion from the Members? Roll call vote.

There being no objections, the meeting was called back to order, and proceeded as follows:

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

The motion for passage of Proposed Draft Bill (No. 2844) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 9, 2022, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Kaneshiro: That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 11:05 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:jy