

COUNTY COUNCIL

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MEMORANDUM

February 23, 2022

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **FEBRUARY 23, 2022 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its February 23, 2022 Council Meeting:

COMMUNICATIONS:

C 2022-30 Communication (01/28/2022) from the Acting Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$98,500.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to support a 0.50 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kaua'i Police Department's Vice Investigators and focus fifty percent (50%) of their time on methamphetamine trafficking and opioid focused prosecution, and to cover a portion of fringe benefit costs and office supplies. The anticipated contract date is for the period of July 1, 2022 through June 30, 2023. **(Approved.)**

C 2022-31 Communication (01/28/2022) from the Acting Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$48,689.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit. This recurring grant and funds will be utilized for the tentative period commencing June 1, 2022 to January 15, 2023. **(Approved.)**

C 2022-32 Communication (01/28/2022) from the Acting Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$35,790.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2021 Local Solicitation Grant, to continue employment of one (1) Full-Time Equivalent (FTE) Process Server to continue process serving for the Office of the Prosecuting Attorney for three (3) months, purchase office supplies, and allow officers of the Kaua'i Police Department to attend training sessions. The grant will cover expenses for the time period October 1, 2020 through September 30, 2024. **(Approved.)**

C 2022-33 Communication (02/02/2022) from Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 5A-11.26, And Section 5A-9.1(a), Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, to repeal the Tree Farm Development Exemption, as it results in tree farm operators receiving a more substantial tax relief measure than agricultural farmers who have been granted an Agricultural Dedication under Kaua'i County Code Section 5A-9.1. ***(Received for the Record.)***

C 2022-34 Communication (02/03/2022) from Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, By Repealing Article 10, Relating To Valuation Of Wasteland, to repeal the valuation of wasteland, as the last known "wasteland" designation was granted in 1991 and no such designation exists today. ***(Received for the Record.)***

C 2022-35 Communication (02/03/2022) from Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, By Repealing Section 5A-11.25, Relating To Orchard Development Exemption, to repeal the Orchard Development Exemption, as there are no active participants with this exemption and it has not been used for a number of years. ***(Received for the Record.)***

C 2022-36 Communication (02/07/2022) from Jodi A. Higuchi Sayegusa, Deputy Director of Planning, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission's recommendation to accept the Amended Grant of Easement and request to use up to \$1,500,000.00 of the Public Access, Open Space, Natural Resources Preservation Fund for improvements to the coastal access easement that accesses Kaumumene (Hideaways Beach) Tax Map Key (TMK) Nos. (4) 5-4-11:04 and (4) 5-4-12:11. ***(Received for the Record.)***

LEGAL DOCUMENT:

C 2022-37 Communication (02/10/2022) from Mark L. Bradbury, Deputy County Attorney, recommending Council approval of an Extinguishment of Easement "P-1" and Grant of Easement "P-2" made by and between the County of Kaua'i and the Association of Apartment Owners of Pu'u Po'a and SOF-XI Kaua'i PV Hotel, L.P., a Foreign Limited Partnership authorized to do business in the State of Hawai'i, Tax Map Key (TMK) Nos. (4) 5-4-11:04 and (4) 5-4-12:11, related to the coastal access easement that accesses Kaumumene (Hideaways Beach).

- Extinguishment of Easement "P-1" and Grant of Easement "P-2" ***(Approved.)***

CLAIM:

C 2022-38 Communication (02/07/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Visa Card Benefit Services/AGA Service Company as subrogee for Todd Chung, for damage to his rental vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2845) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11.26, AND SECTION 5A-9.1(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX *(Tree Farm Development Exemption)* TAX ***(Approved on 1st Reading, Public Hearing scheduled for March 23, 2022, and referred to the Finance & Economic Development Committee.)***

Proposed Draft Bill (No. 2846) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 10, RELATING TO VALUATION OF WASTELAND TAX ***(Approved on 1st Reading, Public Hearing scheduled for March 23, 2022, and referred to the Finance & Economic Development Committee.)***

Proposed Draft Bill (No. 2847) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING SECTION 5A-11.25, RELATING TO ORCHARD DEVELOPMENT EXEMPTION ***(Approved on 1st Reading, Public Hearing scheduled for March 23, 2022, and referred to the Finance & Economic Development Committee.)***

Proposed Draft Bill (No. 2848) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND *(Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00)* TAX ***(Approved on 1st Reading, Public Hearing scheduled for March 23, 2022, and referred to the Committee of the Whole.)***

Proposed Draft Bill (No. 2849) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP *(Kaumumene (Hideaways Beach) CIP Budget – \$1,500,000.00)* TAX ***(Approved on 1st Reading, Public Hearing scheduled for March 23, 2022, and referred to the Committee of the Whole.)***

BILL FOR SECOND READING:

Bill No. 2834, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, AND CHAPTER 22, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE ***(Council Absence, Tie Vote (Council Absence or Recusal); Pursuant to Council Rule No. 5(e), the item shall be made the Special Order of the Day at the March 9, 2022 Council Meeting.)***

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads *(Via E-mail)*
KCT CCs *(Via E-mail)*
Council Services Staff *(Via E-mail)*