

## 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  
Lihue, Kauai, Hawaii 96766

Effective January 1, 2022, Act 220, Session Laws of Hawaii (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol.

Pursuant to Act 220, SLH 2021, the meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawaii Revised Statutes (HRS) Chapter 92.
- 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 (808) 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihue, Hawaii 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken in-person or via the Zoom remote technology platform. It shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony 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 may continue watching the meeting via the livestream link found at [www.kauai.gov/webcastmeetings](http://www.kauai.gov/webcastmeetings) or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil050422>.
  - Video: Meeting ID 858 0356 1405; Passcode: hEbfd2
  - Dial-In: +1 253 215 8782; Meeting ID 858 0356 1405; Passcode: 870810
- All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail 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).
- 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 4, 2022**  
**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. April 20, 2022 Council Meeting
2. April 20, 2022 Public Hearing re: Bill No. 2853

E. CONSENT CALENDAR:

1. [C 2022-89](#)      Communication (04/11/2022) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 15, 2022.
  
2. [C 2022-90](#)      Communication (04/20/2022) from the Director of Finance, transmitting for Council information, Period 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of March 31, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua‘i. *(Copies of the Period 9 Report as of March 31, 2022 on file in the Office of the County Clerk.)*
  
3. [C 2022-91](#)      Communication (04/21/2021) from Councilmember Evslin, providing written disclosure of a possible conflict of interest and recusal relating to ES-1073, relating to an Executive Session briefing and request for settlement authority in the matter of Dylan DePue, et al. vs. County of Kaua‘i, et al., Civil No. 5CCV-21-000022, due to a personal matter with Mr. DePue.

4. [C 2022-92](#) Communication (04/22/2022) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's Fiscal Year 2023 Proposed Operating Budget, pursuant to Section 21 of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2022-17***)

#### F. COMMUNICATIONS:

1. [C 2022-93](#) Communication (03/24/2022) from the Chief of Police, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend an increase to the original Hawai'i High Intensity Drug Trafficking Area (HIDTA) Grant Award No. G2H10002A, in the amount of \$1,454.58. The increase in award will be used for the HIDTA Prevention Initiative to send an Officer to the Gang/Drug Training on O'ahu and Prevention-related supplies, such as drug prevention videos and media in the schools. The increase would bring the new award amount to \$159,984.58.
2. [C 2022-94](#) Communication (04/11/2022) from the Director of Finance, requesting Council approval to accept the standard terms stated in the Fee Schedule from BNY Mellon Corporate Trust, Trustee for the Kukui'ula CFD project, which includes unspecified future obligations to the trustee engaged for the CFD No. 2008-1 Refunding Bond Series 2022 (*Kukui'ula Development Project*).
3. [C 2022-95](#) Communication (04/13/2022) from the Chief of Police, requesting Council approval to receive and expend Domestic Cannabis Eradication/Suppression Program funding, in the amount of \$35,000.00, which will be used for payment of overtime, renting vehicles and aircraft, training, equipment, and technology for conducting drug enforcement operations both on the island of Kaua'i and with other State, County, and Federal law enforcement agencies in the fight against drug- and gun-related crimes.
4. [C 2022-96](#) Communication (04/14/2022) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 11A, Kaua'i County Code 1987, as amended, relating to Environmental Impact Fees. (*Copies of the Draft Ordinance, Planning Commission Agenda (April 12, 2022), Director's Report (ZA-2022-5), Agency Comments, and Draft Planning Commission Meeting Minutes (ZA-2022-5), on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2856)***)

5. [C 2022-97](#) Communication (04/14/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 8, Kaua‘i County Code 1987, as amended, relating to Additional Dwelling Units. *(Copies of the Draft Ordinance, Planning Commission Agenda (April 12, 2022), Director’s Report (ZA-2022-6), Agency Comments, and Draft Planning Commission Meeting Minutes (ZA-2022-6), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2857))*
  
6. [C 2022-98](#) Communication (04/18/2022) from the Acting County Engineer, requesting Council approval to purchase unbudgeted equipment of a scum pump assembly (pump and motor) to be used at the Wailua Wastewater Treatment Plant (WWTP), which will replace the inoperable pump assembly with a similar model, at a cost of \$28,000.00.
  
7. [C 2022-99](#) Communication (04/20/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 8, Kaua‘i County Code 1987, as amended, relating to a Planning Department Transient Vacation Rental Program Account. *(Copies of the Draft Ordinance, Planning Commission Agenda (April 12, 2022), Director’s Report (March 21, 2022), Agency Comments, and Draft Planning Commission Meeting Minutes (ZA-2022-7), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2858))*

#### G. CLAIM:

1. [C 2022-100](#) Communication (04/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Donald S. Greer, for personal, physical, and punitive damages, pursuant to Section 23.06, Charter of the County of Kaua‘i.

#### H. COMMITTEE REPORTS:

##### 1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

###### **a. CR-FED 2022-01:** on 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 [Approved.]

**b. CR-FED 2022-02:** on 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.]**

**2. COMMITTEE OF THE WHOLE:****a. CR-COW 2022-06:** on Bill No. 2850

A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2021 AND JUNE 30, 2025  
**[Approved.]**

**I. RESOLUTION:**

1. [Resolution No. 2022-17](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2022-2023 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

**J. BILLS FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2856\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT FEES (*County of Kauai Planning Department, Applicant*) (ZA-2022-5)

2. [Proposed Draft Bill \(No. 2857\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT (*County of Kauai Planning Department, Applicant*) (ZA-2022-6)

3. [Proposed Draft Bill \(No. 2858\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO A PLANNING DEPARTMENT TRANSIENT VACATION RENTAL PROGRAM ACCOUNT (*County of Kauai Planning Department, Applicant*) (ZA-2022-7)

K. BILLS FOR SECOND READING:

1. [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 (*See also CR-FED 2022-01; the Finance & Economic Committee recommended approval on second and final reading.*)

2. [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 (*See also CR-FED 2022-02; the Finance & Economic Committee recommended approval on second and final reading.*)

3. [Bill No. 2850](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 (*See also CR-COW 2022-06; the Committee of the Whole recommended approval on second and final reading.*)

L. 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.)*

M. ADJOURNMENT.

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 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).