

**COUNTY COUNCIL**

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Bill DeCosta  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
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**MEMORANDUM**

September 8, 2022

**TO:** Derek S.K. Kawakami, Mayor  
**FROM:** Arryl Kaneshiro, Council Chair **AK**  
**RE:** **SEPTEMBER 7, 2022 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its September 7, 2022 Council Meeting:

**CONSENT CALENDAR:**

C 2022-191 Communication (08/08/2022) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 12, 2022. ***(Received for the Record.)***

C 2022-192 Communication (08/10/2022) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Resolution Urging Federal, State, And County Elected Officials To Support The Funding And Implementation Of The Use Of Mosquito Birth Control To Bring Kaua'i's Native Forest Birds Back From Near-Extinction And Towards Abundance. ***(Received for the Record.)***

C 2022-193 Communication (08/12/2022) from Councilmember Cowden, transmitting for Council consideration, the following measure for inclusion in both the 2023 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2023 County of Kaua'i Legislative Package:

- A Bill for an Act Relating To Emergency Powers, to amend Hawai'i Revised Statutes (HRS) Section 127A-1(c), Section 127A-13, and Section 127A-14, clarifying that the powers granted for emergency purposes shall not be inconsistent with the State Constitution, provides parameters for the duration of suspension of laws and requires justification for the suspension; specifies parameters for when a state of emergency is terminated; and allows the authorization of the issuance of a proclamation arising from the same emergency or disaster as a previous proclamation that was terminated by the legislature, upon request of the governor and adoption of concurrent resolution by the legislature. ***(Received for the Record.)***

C 2022-194 Communication (08/16/2022) from Councilmember Cowden, transmitting for Council consideration, a Resolution Requesting That The Director Of The Hawai'i Department Of Commerce And Consumer Affairs Amend The Administrative Rules Governing The Hawai'i Cable Communication System To Require Cable Franchisees To Broadcast Public, Educational, And Government Access Programming In High-Definition At A Video And Audio Quality Equivalent To All Other Cable Network Programming. ***(Received for the Record.)***

C 2022-195 Communication (08/16/2022) from the Director of Finance and the Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2022. ***(Received for the Record.)***

C 2022-196 Communication (08/25/2022) from the Housing Director, transmitting for Council consideration, a Resolution Declaring Intention To Issue Tax-Exempt Bonds To Finance The Acquisition, Construction, And Development Of The Lima Ola Project; Declaring Intention To Reimburse Expenditures From The Proceeds Of Tax-Exempt Bonds; And Authorizing Further Actions Relating To The Bonds. ***(Received for the Record.)***

COMMUNICATIONS:

C 2022-197 Communication (08/09/2022) from the Housing Director, requesting Council approval to receive and expend \$3,557,201.85 in National Housing Trust Fund (HTF) Fiscal Year (FY) 2022 funds and to indemnify the Hawai'i Housing Finance and Development Corporation (HHFDC), for the Lima Ola Phase I, Multi-Family Affordable Housing Development project in 'Ele'ele via a Request for Proposal. ***(Approved.)***

C 2022-198 Communication (08/10/2022) from Councilmember Cowden, requesting the presence of County Attorney, to provide a briefing on the recent opioid settlement with various pharmaceutical companies to include the following:

- The settlement amount for Kaua'i;
- Parameters of spending the settlement; and
- Any other community/municipal restrictions associated with the implementation of programs tied to the settlement. ***(Received for the Record.)***

C 2022-199 Communication (08/12/2022) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval to receive and expend funding from the Enhanced 911 (E-911) Board, in the amount of \$1,012,149.00, for annual recurring and non-recurring expenditures to operate 911 services as part of the Kaua'i Police Department's (KPD's) Public Safety Answering Point (PSAP) and the Alternate Dispatch Center (ADC), and for travel expenses for designees to attend Board-approved trainings available out-of-state. ***(Approved.)***

C 2022-200 Communication (08/15/2022) 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 Guest House, as transmitted by the Kaua'i County Council in Proposed Draft Bill (No. 2860). ***(Received for the Record.)***

C 2022-201 Communication (08/15/2022) from the Housing Director, requesting Council approval to receive and expend a Fiscal Year (FY) 2022 HOME Investment Partnership Program (HOME) Community Housing Development Organization (CHDO) grant in the amount of \$450,005.85, and to indemnify the Hawai'i Housing Finance and Development Corporation (HHFDC), for the Wailua Scattered Lot Development project via a Request for Proposal. ***(Approved.)***

C 2022-202 Communication (08/18/2022) from Councilmember Evslin, requesting Council reconsideration of Bill No. 2872, Relating to Real Property Tax, taken on August 17, 2022, to revise the effective date that the Ordinance would have taken effect. ***(Received for the Record.)***

C 2022-203 Communication (08/23/2022) from the Councilmember Evslin, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2022-886, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2022 Through June 30, 2023, By Revising The Amounts Estimated In The General Fund, for software necessary to implement a tiered real property tax structure. ***(Received for the Record.)***

C 2022-204 Communication (08/24/2022) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8 (Comprehensive Zoning Ordinance), Chapter 12 (Building Code), and Chapter 13 (Electrical Code), Kaua'i County Code 1987, as amended, relating to the Electric Vehicle charging infrastructure requirements for parking, as transmitted by the Kaua'i County Council in Proposed Draft Bill (No. 2877). ***(Received for the Record.)***

C 2022-205 Communication (08/24/2022) from Patrick Ono, Chair of the Salary Commission, transmitting for Council consideration, Salary Commission Resolution No. 2022-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its July 27, 2022 meeting.

- Salary Commission Resolution No. 2022-1 ***(Received for the Record.)***

C 2022-206 Communication (08/25/2022) from the Housing Director, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$291,545.00, and to indemnify the United States Department of Housing & Urban Development (HUD), for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinator's salaries and fringe benefits. ***(Approved an Amended amount of \$277,662.00.)***

CLAIMS:

C 2022-207 Communication (08/08/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Byron Cleeland, for vehicle damage, 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.)***

C 2022-208 Communication (08/10/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Henry H. Furutani for vehicle damage, 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.)***

C 2022-209 Communication (08/23/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Progressive Advanced Insurance Company, as subrogee for Chris Bartlett, for vehicle damage, 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.)***

C 2022-210 Communication (08/26/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Eric Phillips and Malissa Phillips, as parents/legal guardians of Jonas Phillips (a minor), c/o De Costa Hempey LLC, for personal injury, medical bills, and damages, 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.

RESOLUTIONS:

Resolution No. 2022-31 – RESOLUTION URGING FEDERAL, STATE, AND COUNTY ELECTED OFFICIALS TO SUPPORT THE FUNDING AND IMPLEMENTATION OF THE USE OF MOSQUITO BIRTH CONTROL TO BRING KAUA'I'S NATIVE FOREST BIRDS BACK FROM NEAR-EXTINCTION AND TOWARDS ABUNDANCE ***(Approved.)***

Resolution No. 2022-32 – RESOLUTION APPROVING A STATE BILL RELATING TO EMERGENCY MANAGEMENT FOR INCLUSION IN THE 2023 COUNTY OF KAUA'I LEGISLATIVE PACKAGE AND THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE ***(Amended to Resolution No. 2022-32, Draft 1; Received for the Record.)***

Resolution No. 2022-33 – RESOLUTION REQUESTING THAT THE DIRECTOR OF THE HAWAII DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AMEND THE ADMINISTRATIVE RULES GOVERNING THE HAWAII CABLE COMMUNICATION SYSTEM TO REQUIRE CABLE FRANCHISEES TO BROADCAST PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS PROGRAMMING IN HIGH-DEFINITION AT A VIDEO AND AUDIO QUALITY EQUIVALENT TO ALL OTHER CABLE NETWORK PROGRAMMING (*Approved.*)

Resolution No. 2022-34 – RESOLUTION DECLARING INTENTION TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, AND DEVELOPMENT OF THE LIMA OLA PROJECT; DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS; AND AUTHORIZING FURTHER ACTIONS RELATING TO THE BONDS (*Approved.*)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2860) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Kauai County Council, Applicant*) (*Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for October 5, 2022, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2877) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 (COMPREHENSIVE ZONING ORDINANCE), CHAPTER 12 (BUILDING CODE), AND CHAPTER 13 (ELECTRICAL CODE), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS FOR PARKING (*Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for October 5, 2022, and referred to the Planning Committee.*)

Proposed Draft Bill (No. 2887) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Tax Tiered Software-\$150,000*) (*Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for October 5, 2022, and referred to the Committee of the Whole.*)

BILL FOR RECONSIDERATION:

Bill No. 2872 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tiered Residential Investor & Vacation Rental Tax Classifications*) (*Motion to Reconsider Approved; Approved as Amended to Bill No. 2872, Draft 1.*)

**BILLS FOR SECOND READING:**

Bill No. 2868 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO APPLICATION OF REGULATIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-4) (***Received for the Record.***)

Bill No. 2873, Draft 1 – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 15, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING AND CONSTRUCTION REGULATIONS (***Amended to Bill No. 2873, Draft 2; Recommitted to the Public Works & Veterans Services Committee Meeting on October 5, 2022.***)

Bill No. 2874 – A BILL FOR AN ORDINANCE AMENDING SECTIONS 25-11.1, 25-12.1, 25-13.4, AND 25-13.9 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO SEWERS (***Approved as Amended to Bill No. 2874, Draft 1.***)

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*)