

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

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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. 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, 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 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 or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil092122>.
 - Video: Meeting ID 832 3231 2977; Passcode: Cht4Pw
 - Dial-In: +1 253 215 8782; Meeting ID 832 3231 2977; Passcode: 700894
- 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 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, SEPTEMBER 21, 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. September 7, 2022 Council Meeting
2. September 7, 2022 Public Hearings re: Bill No. 2878 and Bill No. 2879

E. INTERVIEW:

1. BOARD OF REVIEW:

- [Julie Black Caspillo](#) – Term ending 12/31/2025

F. CONSENT CALENDAR:

1. [C 2022-211](#) Communication (09/12/2022) from Councilmember DeCosta and Councilmember Carvalho, transmitting for Council consideration, Proposed Draft Resolutions relating to the County's Structurally Balanced Budget and Reserve Fund Policies. (***See Resolution No. 2022-35 and Resolution No. 2022-36***)
2. [C 2022-212](#) Communication (09/12/2022) from Councilmember Kualii and Councilmember Carvalho, transmitting for Council consideration, a Resolution Supporting Operation Green Light For Veterans. (***See Resolution No. 2022-37***)
3. [C 2022-213](#) Communication (09/14/2022) from Councilmember Carvalho and Councilmember Kualii, transmitting for Council consideration, a Resolution Authorizing The Transfer Of The Real Property Identified As Tax Map Key (TMK) No. (4) 3-8-018-012 To Grove Farm Company, Incorporated For The Purpose Of Operating An Adolescent Treatment And Healing Center. (***See Resolution No. 2022-38***)

G. COMMUNICATIONS:

1. [C 2022-214](#) Communication (08/09/2022) from the Chief of Police, requesting Council approval of the indemnification provision in the Leica Geosystems General Terms and Conditions for Customer Care Packages (CCP) and Supplemental Terms for State Government Software License Agreement, Sale of Goods and CCP.
2. [C 2022-215](#) Communication (08/22/2022) from the Director of Parks and Recreation, requesting Council approval to apply for, receive and expend USDA Food and Nutrition Service, Summer Food Service Program (SFSP), in the amount of \$31,860.00, with matching funds from the County of Kaua'i of \$31,140.00, to cover the full cost of lunch meals to *keiki* age 18 and younger during the summer months when school is not in session.
3. [C 2022-216](#) Communication (08/31/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$37,060.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2022 Local Solicitation Grant, to continue employment of the 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, 2021 through September 30, 2025.
4. [C 2022-217](#) Communication (09/01/2022) from the Fire Chief, requesting Council approval to receive and expend State Fiscal Year 2023 funds, in the amount of \$380,000.00, from the State Legislature, to be used for Water Safety Officer positions at Kē'e Beach and Hā'ena State Park, from July 1, 2022 through June 30, 2023.
5. [C 2022-218](#) Communication (09/02/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal Fiscal Year 2022 funds, in the amount of \$125,205.00, from the Impaired Driving Grant, to reimburse up to 1,040 hours of the Traffic Safety Prosecutor's position, as well as travel costs, for training and meetings. The grant will cover expenses for the time period October 1, 2022 through September 30, 2023.

6. [C 2022-219](#) Communication (09/12/2022) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 6, Article 9, Section 6-9.4, Kaua'i County Code 1987, As Amended, Relating To The Housing Development Fund. (*See Proposed Draft Bill (No. 2888)*)

H. CLAIM:

1. [C 2022-220](#) Communication (09/08/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Remillard Huynh & Barbour on behalf of Terry Uchtyl, for personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-HIR 2022-02:** on HIR 2022-02 Communication (08/05/2022) from Councilmember Cowden, requesting agenda time for an informational briefing from Members who attended the 2022 National Association of Counties (NACo) Annual Conference held on July 21-24, 2022, in Adams County, Colorado. [**Received for the Record.**]
- b. **CR-HIR 2022-03:** on HIR 2022-03 Communication (08/09/2022) from Committee Chair Kualii, requesting the presence of the Housing Director, to provide an informational briefing on past, current, and future housing projects and programs. [**Received for the Record.**]

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2022-10:** on Bill No. 2875 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-6.4, 5A-8.1(g), 5A-9.1, AND 5A-11.23(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX [**Approved as Amended.**]

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2022-16:** on Bill No. 2876 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 (*Department of Public Works Project Manager Transfer - \$118,177.00*) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2022-35](#) – RESOLUTION AMENDING RESOLUTION NO. 2017-29, RELATING TO SUPPORTING A STRUCTURALLY BALANCED BUDGET FOR THE COUNTY OF KAUAI
2. [Resolution No. 2022-36](#) – RESOLUTION AMENDING RESOLUTION NO. 2017-28, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY
3. [Resolution No. 2022-37](#) – RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS
4. [Resolution No. 2022-38](#) –RESOLUTION AUTHORIZING THE TRANSFER OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY (TMK) NO. (4) 3-8-018-012 TO GROVE FARM COMPANY, INCORPORATED FOR THE PURPOSE OF OPERATING AN ADOLESCENT TREATMENT AND HEALING CENTER

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill No. \(2888\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, SECTION 6-9.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND

L. BILLS FOR SECOND READING:

1. [Bill No. 2875, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-6.4, 5A-8.1(g), 5A-9.1, AND 5A-11.23(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*See also CR-FED 2022-10; the Finance & Economic Development Committee recommended approval of Bill No. 2875, Draft 1 on second and final reading on September 7, 2022.*)

2. [Bill No. 2876](#) – 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 (*Department of Public Works Project Manager Transfer - \$118,177.00*) (*See also CR-COW 2022-16; the Committee of the Whole recommended approval on second and final reading.*)

M. 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.)*

N. ADJOURNMENT.

O. **PUBLIC HEARING NOTE:** The Council will convene into a public hearing on the following item(s) on this meeting date and will convene/reconvene the Council/Committee Meeting thereafter.

Testimony may be submitted in writing to counciltestimony@kauai.gov; via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i 96766. Oral testimony may be given via the Zoom remote technology platform and 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 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 or may listen to the meeting on the oral testimony Zoom link. All accommodations pursuant to Act 220, Session Laws of Hawai'i 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 or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2880](#) – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1)
2. [Bill No. 2881](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13)

3. [Bill No. 2882](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*)
 4. [Bill No. 2883](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
 5. [Bill No. 2884](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025
 6. [Bill No. 2885](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9)
 7. [Bill No. 2886](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kauai Planning Department, Applicant*) (ZA-2022-14)
- P. 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.