

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
Lihu'e, Kaua'i, Hawai'i 96766

Effective January 1, 2022, Act 220, Session Laws of Hawai'i (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 Kaua'i County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawai'i 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, Lihu'e, Hawai'i 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/KauaiCountyCouncil100522>.
 - Video: Meeting ID: 858 4971 5650; Passcode: W2ckcD
 - Dial-In: +1 253 215 8782; Meeting ID: 858 4971 5650; Passcode: 746673
- 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, OCTOBER 5, 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 21, 2022 Council Meeting
2. September 21, 2022 Public Hearings re: Bill No. 2880, Bill No. 2881, Bill No. 2882, Bill No. 2883, Bill No. 2884, Bill No. 2885, and Bill No. 2886

E. INTERVIEW:

1. POLICE COMMISSION:

- [Mary Kay Hertog](#) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2022-221](#) Communication (09/01/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Julie Black Caspillo to the Board of Review – Term ending 12/31/2025. **(See Resolution No. 2022-39)**
2. [C 2022-222](#) Communication (09/14/2022) from Councilmember DeCosta, transmitting for Council consideration, a Resolution Recognizing The Significant Role That Game Animals And Wild Cattle Play As A Food Source For The Community. **(See Resolution No. 2022-40)**
3. [C 2022-223](#) Communication (09/22/2022) from the Managing Director, transmitting for Council consideration, a Resolution Inviting The City Of Mimasaka, Okayama Prefecture, Japan, To Enter Into A Sister-City Relationship With The County Of Kaua'i, State Of Hawai'i, United States Of America. **(See Resolution No. 2022-41)**

G. COMMUNICATIONS:

1. [C 2022-224](#) Communication (09/09/2022) from the Chief of Police, requesting Council approval of the indemnification provision contained in the Magnet Forensics End User License Agreement, which is used by CSLS Digital specialists to examine and analyze information contained in computers, drones, disk drives, and other forms of electronic media, used in “cold-cases” to re-examine older evidence with updated tools and methods.
2. [C 2022-225](#) Communication (09/13/2022) from the Chief of Police, requesting Council approval of the indemnification provision in the Gebco Hawai'i Terms of Use and Sale Agreement (Indemnity/Limitation of Liability provision) for the Kaua'i Police Department's Firearms Section, to ensure that designs created for the photo identification (I.D.) license card are kept secure, limiting the potential of counterfeiting.
3. [C 2022-226](#) Communication (09/14/2022) from the Director of Parks & Recreation, requesting Council approval to use \$200,000.00 from the Department of Parks & Recreation's internal sources of funds for an unbudgeted equipment purchase of a towable stage, to replace the aging wooden stage used for community events.
4. [C 2022-227](#) Communication (09/14/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$200,000.00, from the State Prevention Framework – Partnership for Success (SPF-PFS) grant, to continue employment of one (1) Full-Time Equivalent (FTE) Prevention Program Specialist for Fiscal Years 2023 and 2024, purchase office supplies, and allow Life's Choices Kaua'i staff to attend training. The grant will cover expenses for the period September 29, 2023 through September 30, 2025.
5. [C 2022-228](#) Communication (09/15/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the fourth allotment in the amount of \$111.00 for Fiscal Year 2022 (total amount of funds including the previous approved awards is \$29,471.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

6. [C 2022-229](#) Communication (09/16/2022) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$680,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of state and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives. This grant has a three-year performance period with no cost-share requirement.
7. [C 2022-230](#) Communication (09/16/2022) from the Acting County Engineer, requesting Council approval to accept a donation from Grove Farm of approximately 30,000 cubic yards of soil, valued from \$300,000.00 to \$625,000.00, to be used at the Kekaha Landfill for daily cover, intermediate cover, backfill, and road construction, which will satisfy the landfill soil needs for approximately six (6) to eight (8) months.
8. [C 2022-231](#) Communication (09/16/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$37,217.00, and indemnify the State of Hawai'i, Department of Attorney General, to be used towards funding of one (1) 0.85 Full-Time Equivalent (FTE) Victim Witness Counselor, for the period of November 1, 2022 through June 30, 2023.
9. [C 2022-232](#) Communication (09/16/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$111,314.00, to be used towards funding one (1) 0.90 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and fringe benefits for the Career Criminal Prosecuting Unit, for the period October 1, 2022 through June 30, 2023, and to indemnify the State of Hawai'i, Department of the Attorney General.
10. [C 2022-233](#) Communication (09/21/2022) from the Deputy Director of Parks & Recreation, requesting Council approval to apply for, receive, and expend the National Park Service's Land and Water Conservation Fund (LWCF) grant, to expand public outdoor recreation opportunities for the following projects:
 - Kapa'a Swimming Pool Improvements – \$576,437.50
 - Hanapēpē Stadium Improvements – \$1,000,000.00
 - Puhi Park Playcourt Resurfacing – \$375,000.00
 - Bryan J. Baptiste Sports Complex Playcourt Resurfacing – \$375,000.00
 - Wailua Homesteads Park Playcourt Resurfacing – \$300,000.00
 - Wailua Houselots Park Playcourt Resurfacing – \$325,000.00

11. [C 2022-234](#) Communication (09/22/2022) from the Director of Finance, requesting Council approval to accept standard terms and conditions of the Sturgis contract, which will be used for collections and as a back-end reconciliation system to track payments and outstanding receivables for the Kaua'i Transient Accommodations Tax (KTAT).
12. [C 2022-235](#) Communication (09/28/2022) from the Managing Director, requesting Council approval to apply for, receive, and expend the second allocation of assistance for State, Local, and Tribal Governments – Coronavirus State and Local Fiscal Recovery Funds from the United States Department of Treasury, in the amount of approximately \$10,804,436.00, appropriated by the U.S. Congress as part of the American Rescue Plan Act (ARPA) of 2021, to be used for budget priorities discussed during this agenda item.

H. COMMITTEE REPORTS:

1. PARKS & RECREATION / TRANSPORTATION COMMITTEE

- a. **CR-PRT 2022-06:** on PRT 2022-02 Communication (09/12/2022) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation, to provide a briefing on the public process and public notification on the choice to remove the windward walls from a Hanalei pavilion. **[Received for the Record.]**

2. PLANNING COMMITTEE

- a. **CR-PL 2022-10:** on Bill No. 2878 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-8) **[Approved.]**
- b. **CR-PL 2022-11:** on Bill No. 2879 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 12, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO CONSTRAINT DISTRICT(S) (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-12) **[Approved as Amended.]**

I. RESOLUTIONS:

1. [Resolution No. 2022-39](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Julie Black Caspillo*)

2. [Resolution No. 2022-40](#) – RESOLUTION RECOGNIZING THE SIGNIFICANT ROLE THAT GAME ANIMALS AND WILD CATTLE PLAY AS A FOOD SOURCE FOR THE COMMUNITY

3. [Resolution No. 2022-41](#) – RESOLUTION INVITING THE CITY OF MIMASAKA, OKAYAMA PREFECTURE, JAPAN, TO ENTER INTO A SISTER-CITY RELATIONSHIP WITH THE COUNTY OF KAUAI, STATE OF HAWAII, UNITED STATES OF AMERICA

J. BILLS FOR SECOND READING:

1. [Bill No. 2878](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*County of Kauai Planning Department, Applicant*) (ZA-2022-8) (See also CR-PL 2022-10; the Planning Committee recommended approval on second and final reading.)

2. [Bill No. 2879, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONSTRAINT DISTRICT(S) (*County of Kauai Planning Department, Applicant*) (ZA-2022-12) (See also CR-PL 2022-11; the Planning Committee recommended approval of Bill No. 2879, Draft 1 on second and final reading.)

K. EXECUTIVE SESSION: Pursuant to Hawaii's 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.)

L. ADJOURNMENT.

M. 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. 2860](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Kauai County Council, Applicant*)
2. [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
3. [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*)

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.