

**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**

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**MEMORANDUM**

November 17, 2022

**TO:** Derek S.K. Kawakami, Mayor  
**FROM:** Arryl Kaneshiro, Council Chair **AK**  
**RE:** **NOVEMBER 16, 2022 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its November 16, 2022 Council Meeting:

**CONSENT CALENDAR:**

C 2022-261 Communication (10/11/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Laurie Yoshida to the Police Commission – Term ending 12/31/2025. ***(Received for the Record.)***

C 2022-262 Communication (10/20/2022) from Councilmember Evslin, transmitting for Council consideration and confirmation, the appointment of William Kinney (*Anahola – Hā'ena*) to the Public Access, Open Space, Natural Resources Preservation Fund Commission – Term ending 12/31/2023. ***(Received for the Record.)***

C 2022-263 Communication (11/02/2022) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 22 of Ordinance No. B-2021-877, as amended, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2021-2022. ***(Received for the Record.)***

C 2022-264 Communication (11/03/2022) from Council Vice Chair Chock, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2890, 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 Public Access, Open Space, Natural Resources Preservation Fund (*OSC Waipā Foundation Acquisition of Halulu Fishpond*), as his company Kupu a'e Leadership Development, sometimes uses Waipā Foundation property as a site for leadership initiatives. ***(Received for the Record.)***

COMMUNICATIONS:

C 2022-265 Communication (10/26/2022) from the Acting County Engineer, requesting Council approval to purchase unbudgeted equipment of a Trimble GPS tracking equipment specific for the CAT 836k Compactor at the Kekaha Landfill, at an estimated cost of \$36,500.00. This equipment is vital for proper tracking of landfill compaction and increasing airspace gain by visualizing current site conditions allowing landfill staff to best direct operations to be more effective. **(Approved.)**

C 2022-266 Communication (10/28/2022) from the Housing Director, requesting Council approval to receive and expend an amended total amount of up to \$16,700,000.00 from the State via the federal American Rescue Plan Act (ERA2) (originally submitted as Communication (03/16/2022) C 2022-74 requesting \$2,260,000.00 and amended up to \$16,000,000.00 during the April 6, 2022 Council Meeting). **(Approved as amended amount per memo dated 11/15/2022 of up to \$17,000,000.00.)**

C 2022-267 Communication (10/28/2022) from Mason K. Chock, Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2023 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 25, 2022:

- A Bill For An Act Relating To The Employees' Retirement System *(County of Maui)*
- A Bill For An Act Relating To Special Management Areas *(County of Maui)*
- A Resolution Requesting The Department Of Health To Adopt Rules For A Permit To Discharge Pollutants That Consider The Major Factors That Are Considered In Identifying The Functional Equivalent Of A Direct Discharge For Point Sources Or Non-Point Sources *(County of Hawai'i)*
- A Bill For An Act Relating To The Regulation Of Tobacco Products *(County of Hawai'i)*
- A Bill For An Act Relating To Traffic Fines *(County of Hawai'i)*  
**(Received for the Record.)**

C 2022-268 Communication (11/03/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$7,546.00 for the Fiscal Year 2023, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals. **(Approved.)**

C 2022-269 Communication (11/03/2022) from the Executive on Aging, requesting Council approval to apply for, receive, and expend Year 3 grant funding awarded by the Corporation for National and Community Service to the County of Kauaʻi, Agency on Elderly Affairs, Kauaʻi Retired and Senior Volunteer Program (RSVP) for the three-year period of April 1, 2021 to March 31, 2024, in the amount of \$75,000.00 per year, combined with matching County funds in the amount of \$153,679.00, to assist Kauaʻi RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22). **(Approved.)**

C 2022-270 Communication (11/04/2022) from the Director of Finance, requesting Council approval of the terms contained in the DOXO, Inc. Provider Terms of Service, including the indemnification and tax obligation clauses, which is used to process payments to the County of Kauaʻi for real property taxes as well as sewer payments, to change the payment method to the County of Kauaʻi from check to automatic clearing house (ACH). **(Approved.)**

C 2022-271 Communication (11/09/2022) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kauaʻi County Code 1987, As Amended, Relating To Real Property Tax. **(Received for the Record.)**

C 2022-272 Communication (11/09/2022) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 12.7(B) And Adding A New Section 12.15, Kauaʻi County Code 1987, As Amended, Relating To Real Property Taxes, Appeals Settled By Director. **(Received for the Record.)**

**LEGAL DOCUMENTS:**

C 2022-273 Communication (11/02/2022) from the Acting County Engineer, recommending Council approval of the following Right-of-Entry Agreement to build, construct, reconstruct, rebuild, repair, maintain, and operate a bike and pedestrian shared-use path across Airport-owned land for access (sidewalks and pathways) purposes for the Nāwilili Park-Ahukini Landing Bike/Pedestrian path segment of Ke Ala Hele Makalae:

- Right-of-Entry Agreement by and between the County of Kauaʻi and Hawaiʻi Department of Transportation (HDOT) Airport, Parcels Tax Map Key Nos. (4) 3-5-001:005 (por.), (4) 3-5-001:008 (por.), (4) 3-5-001:009 (por.), (4) 3-5-001:109 (por.), (4) 3-5-001:128 (por.), (4) 3-5-001:158 (por.), (4) 3-5-001:160 (por.), (4) 3-5-001:092 (por.), and (4) 3-7-002:999 (por.). **(Approved.)**

C 2022-274 Communication (11/09/2022) from the Director of Parks & Recreation, recommending Council approval of an Adopt-A-Park Agreement for stewardship of Kane-I-Olo-Uma Heiau Complex Po'ipū Beach Mauka Preserve, Tax Map Key (TMK) (4) 2-8-17:13, 14, 23, and 24, to include additional lands situated at TMK (4) 2-8-017:011 (por.) into the portions of the Kane-I-Olo-Uma Heiau Complex.

- Adopt-A-Park Agreement Amendment II (***Approved.***)

CLAIMS:

C 2022-275 Communication (10/24/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by DB Insurance Co. Ltd., for damage to personal property, 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 2022-276 Communication (10/28/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Patricia Darmody, 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.***)

COMMITTEE REPORT: APPROVED.

RESOLUTIONS:

Resolution No. 2022-54 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Laurie Yoshida*) (***Approved.***)

Resolution No. 2022-55 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*William Kinney – Anahola – Hā'ena*) (***Approved.***)

Resolution No. 2022-56 – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE (***Approved.***)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2891) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*) (***Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for December 14, 2022, and referred to the Finance & Economic Development Committee.***)

Proposed Draft Bill (No. 2892) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 12.7(b) AND ADDING A NEW SECTION 12.15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES, APPEALS SETTLED BY DIRECTOR (***Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for December 14, 2022, and referred to the Finance & Economic Development Committee.***)

BILL FOR SECOND READING:

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 (***Approved.***)

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*)