

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, 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/KauaiCountyCouncil2023>.
 - Video: Meeting ID: 795 893 6597; Passcode: 12345
 - Dial-In: +1 669 444 9171; Meeting ID: 795 893 6597; Passcode: 12345
- 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, JANUARY 25, 2023
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. January 11, 2023 Council Meeting
2. January 11, 2023 Public Hearing re: Bill No. 2893

E. CONSENT CALENDAR:

1. [C 2023-25](#) Communication (01/18/2023) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 17 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023.

F. COMMUNICATIONS:

1. [C 2023-26](#) Communication (01/05/2023) from the Chief of Police, requesting Council approval of the indemnification provision in the Callyo CAPE Drone Software License Agreement, to allow the Kauaʻi Police Department's (KPD) Incident Management Team to stream live drone footage to a multitude of devices to allow for real-time situational awareness of an incident.
2. [C 2023-27](#) Communication (01/05/2023) from the Director of Parks & Recreation, requesting Council approval to apply for, receive, and expend Local Assistance and Tribal Consistency Fund (LATCF) moneys, in the amount of \$100,000.00, received in two (2) equal tranches of \$50,000.00, to be used to provide shade/cover over the Inclusive Playground at Lydgate Park.

3. [C 2023-28](#) Communication (01/09/2023) from the Chief of Police, requesting Council approval of the indemnification provision in the LexisNexis Master Terms and Conditions, to allow the Kaua'i Police Department (KPD) instant access to comprehensive public records data and advanced analytics to generate quality investigative leads, produce actionable intelligence, and drive informed decisions.
4. [C 2023-29](#) Communication (01/09/2023) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$79,390.00, to support funding for the continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor for Calendar Year 2023.

G. CLAIMS:

1. [C 2023-30](#) Communication (01/03/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mario Baldovino, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2023-31](#) Communication (01/04/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Douglas Lam Yuen, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2023-32](#) Communication (01/06/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Robert J. Christensen, Esq., for back pay, loss of future earnings, damage to reputation, mental anguish, loss of enjoyment of life, and punitive damages, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. LEGAL DOCUMENT:

1. [C 2023-33](#) Communication (01/12/2023) from the County Engineer, recommending Council approval, of a Right-of-Entry for soil removal and indemnification, between the County of Kaua'i and the Grove Farm Properties, Inc. granting access to a parcel situated at Tax Map Key (TMK) No. (4) 3-3-021:097, Līhu'e, Kaua'i, Hawai'i, to remove soil for use as cover soil for the Kekaha Landfill.

- Right-of-Entry Agreement Waiola Site Soil Project

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2023-01:** on Bill No. 2893 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN LAWA'I HOMESTEADS, KAUAI (*Kurt Bosshard and Steven Absher, Applicants*) [**Approved.**]

2. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2023-01:** on PSHS 2023-01 Communication (01/06/2023) from Committee Chair Cowden, requesting the presence of the Chief of Police, to discuss efforts and methods to deter the use and distribution of illegal fireworks, particularly aerial and homemade bomb-type devices on New Year's Eve. [**Received for the Record.**]

3. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2023-01:** on 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.**]

4. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2023-02:** on 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 KAUAI, STATE OF HAWAII, 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*) [**Approved as Amended.**]

J. BILLS FOR SECOND READING:

1. [Bill No. 2890, Draft 1](#) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*OSC Waipā Foundation Acquisition of Halulu Fishpond*) (*See also CR-COW 2023-02; the Committee of the Whole recommended approval of Bill No. 2890, Draft 1 on second and final reading on January 19, 2023.*)

2. [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 (*See also CR-FED 2023-01; the Finance & Economic Development Committee recommended approval on second and final reading.*)

3. [Bill No. 2893](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN LAWA'I HOMESTEADS, KAUAI (*Kurt Bosshard and Steven Absher, Applicants*) (*See also CR-PL 2023-01; the Planning Committee recommended approval on second and final reading.*)

K. 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.)*

1. ES-1088 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(2), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of the Council, requests an Executive Session to enable Council to consult regarding the evaluation of employees of the Council Services Division of the Office of the County Clerk and to consult with the Council's legal counsel. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
(Deferred January 11, 2023)

L. ADJOURNMENT.

M. 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.