

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

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

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 11, 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. November 16, 2022 Council Meeting
2. December 14, 2022 Council Meeting
3. December 14, 2022 Public Hearing re: Bill No. 2890, Bill No. 2891, and Bill No. 2892

E. CONSENT CALENDAR:

1. [C 2023-17](#) Communication (12/02/2022) from Council Chair Rapozo, transmitting for Council consideration and confirmation, Council appointee Victoria Wichman (Archeology) to the Kauaʻi Historic Preservation Review Commission for a partial term ending 12/31/2024. (**See Resolution No. 2023-19**)
2. [C 2023-18](#) Communication (12/27/2022) from Councilmember DeCosta and Councilmember Carvalho, transmitting for Council consideration, a Resolution Encouraging Local Unions And Non-Union Companies To Create A Management Style Training Program To Promote Kamaʻāina To Become Top-Level Administrators. (**See Resolution No. 2023-20**)
3. [C 2023-19](#) Communication (12/29/2022) from the Director of Finance, transmitting for Council information, the County of Kauaʻi Schedule of Fund Balances as of June 30, 2022, pursuant to Kauaʻi County Charter Section 19.14.

F. COMMUNICATIONS:

1. [C 2023-20](#) Communication (12/09/2022) from the Executive on Aging, requesting Council approval to receive and expend a total of \$143,000.00 in State General Funds for Fiscal Year 2023, and to indemnify the State Executive Office on Aging; funds will be used for staff development, outreach, awareness, marketing, education, and collaboration with the No Wrong Door (NWD) Network.

2. [C 2023-21](#) Communication (12/29/2022) from the Housing Director, requesting Council approval to indemnify the State of Hawai'i in connection to the receipt and expenditure of \$800,000.00 in transit oriented development Capital Improvement Project (CIP) planning funds from the State Office of Planning and Sustainable Development previously approved by the Council on November 2, 2022.

3. [C 2023-22](#) Communication (12/30/2022) from the Chief of Police, requesting Council approval of the provisions contained in Sections 7(f)(iv) and 7(k)(Indemnification) of a Lease Agreement between the County of Kaua'i and the Kaua'i Philippine Cultural Center, for the purposes of a variety of Kaua'i Police Activities League youth activities including, but not limited to, sports, recreation, team building, education, etcetera, located at Tax Map Key No. (4) 3-3-00:043 (por.).

G. CLAIMS:

1. [C 2023-23](#) Communication (12/07/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Carolina Booth, for personal injuries, medical bills, and loss of income, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-24](#) Communication (12/13/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Brigid McBride, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. RESOLUTIONS:

1. [Resolution No. 2023-19](#) – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION (*Victoria Wichman – Archeology*)

2. [Resolution No. 2023-20](#) – RESOLUTION ENCOURAGING LOCAL UNIONS AND NON-UNION COMPANIES TO CREATE A MANAGEMENT STYLE TRAINING PROGRAM TO PROMOTE KAMA‘ĀINA TO BECOME TOP-LEVEL ADMINISTRATORS

I. 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.

J. ADJOURNMENT.

K. PUBLIC HEARING NOTE: The Council will convene into a public hearing on the following item(s) on this meeting date by approximately 8:30 a.m., or soon thereafter, and will convene/reconvene the Council 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, Lihu‘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 cokouncil@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. 2893](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN LĀWA'I HOMESTEADS, KAUAI (*Kurt Bosshard and Steven Absher, Applicants*)

L. 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.