

COUNTY COUNCIL

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



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, 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, Lihu'e, 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/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, FEBRUARY 22, 2023
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHU‘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. February 8, 2023 Council Meeting
2. February 8, 2023 Public Hearing re: Bill No. 2891, Draft 1

E. INTERVIEWS:

1. CHARTER REVIEW COMMISSION:

- [Jaclyn K. Kaina](#) – Term ending 12/31/2024

2. CIVIL SERVICE COMMISSION:

- [Aimee Lorenzo](#) – Term ending 12/31/2024

3. BOARD OF WATER SUPPLY:

- [Micah R. Finnila](#) – Term ending 12/31/2025

F. CONSENT CALENDAR:

1. [C 2023-38](#) Communication (12/19/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee John C. Calma to the Police Commission – Term ending 12/31/2025. *(See Resolution No. 2023-22)*

2. [C 2023-39](#) Communication (01/06/2023) from Aaron D. Larrimore, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kauaʻi from October 1, 2022 through December 31, 2022.
3. [C 2023-40](#) Communication (01/23/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jaclyn K. Kaina to the Charter Review Commission – Term ending 12/31/2024. (***See Resolution No. 2023-23***)
4. [C 2023-41](#) Communication (01/24/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Chantal Zarbaugh to the Board of Ethics – Term ending 12/31/2024. (***See Resolution No. 2023-24***)
5. [C 2023-42](#) Communication (02/06/2023) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 10, 2022.
6. [C 2023-43](#) Communication (02/08/2023) from the Director of Finance, transmitting for Council information, the General Fund Excess (Deficiency) of Revenues over (under) Expenditures and Other Financing Sources for the Fiscal Year ending June 30, 2022, in accordance to Resolution No. 2022-36, relating to the Reserve Fund and Reserve Fund Policy of the County of Kauaʻi.
7. [C 2023-44](#) Communication (02/22/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Pledging Support For Native Hawaiian Women And Girls. (***See Resolution No. 2023-25***)

G. COMMUNICATIONS:

1. [C 2023-45](#) Communication (01/20/2023) from the Fire Chief, requesting Council approval to apply for, accept, and expend United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG), to fund the purchase of one (1) new pumper apparatus for Kalāheo Fire Station in the amount of \$854,100.00 (\$94,900.00 County Match), sixty (60) Automatic External Defibrillator (AED) units in the amount of \$220,500.00 (\$24,500.00 County Match), and thirty (30) portable radio (PAK) units in the amount of \$227,587.00 (\$30,843.00 County Match).

2. [C 2023-46](#) Communication (01/25/2023) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes, to clarify the annual deadline to file for a mixed-use exemption, which will align with other exemption deadlines for the Real Property Assessment office. **(See Proposed Draft Bill (No. 2895))**

3. [C 2023-47](#) Communication (02/03/2023) from the Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or Grounds, including but not limited to: Kapa'a Elementary School, King Kaumuali'i Elementary School, Elsie H. Wilcox Elementary School, Chiefess Kamakahalei Middle School, Kaua'i High School, Kapa'a High School, and Waimea High School, for recruitment testing/examination purposes in calendar years 2023 and 2024.

H. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2023-01:** on PWVS 2023-01 Communication (02/01/2023) from the County Engineer, requesting agenda time to provide an update on landfill status and long-term disposal options for the Kekaha Landfill, and the progress of Kaua'i's municipal solid waste. **[Received for the Record.]**

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2023-03:** on Bill No. 2891, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2023-22](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*John C. Calma*)

2. [Resolution No. 2023-23](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jaelyn K. Kaina*)

3. [Resolution No. 2023-24](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Chantal Zarbaugh*)

4. [Resolution No. 2023-25](#) – RESOLUTION PLEDGING SUPPORT FOR NATIVE HAWAIIAN WOMEN AND GIRLS

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2895\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Mixed-Use Exemption*)

K. BILL FOR SECOND READING:

1. [Bill No. 2891, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*) (*See also CR-FED 2023-03; the Finance & Economic Development Committee recommended approval on second and final reading.*)

L. 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-1089 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. (***Deferred February 8, 2023***)

2. ES-1090 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority for a possible settlement proposal in a claim filed by DB Insurance Co. Ltd. C/O John Mullen & Co. and related matters. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- 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.