

COUNTY COUNCIL

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



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, MARCH 8, 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 16, 2023 Special Council Meeting
2. February 22, 2023 Council Meeting
3. February 22, 2023 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-50](#) Communication (02/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Aimee Lorenzo to the Civil Service Commission – Term ending 12/31/2024. **(See Resolution No. 2023-28)**
2. [C 2023-51](#) Communication (02/09/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Micah R. Finnila to the Board of Water Supply – Term ending 12/31/2025. **(See Resolution No. 2023-29)**
3. [C 2023-52](#) Communication (02/15/2023) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC’s slate of officers for the HSAC Executive Committee for Calendar Year 2023, pursuant to Section 5 of the Bylaws of the Hawai‘i State Association of Counties, Inc. **(See Resolution No. 2023-30)**

4. [C 2023-53](#) Communication (02/17/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Urging The Hawai'i State Legislature To Enact A Statute Exempting Birth Attendants From State Licensure Requirements. (***See Resolution No. 2023-31***)

5. [C 2023-54](#) Communication (02/21/2023) from the Director of Finance, transmitting for Council information, Periods 1 through 6 Financial Reports – Statements of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for the period July 1, 2022 through December 31, 2022, pursuant to Section 22 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022-2023. (*Copies of the Periods 1 through 6 Financial Reports for the Period July 1, 2022 through December 31, 2022 on file in the Office of the County Clerk.*)

6. [C 2023-55](#) Communication (03/01/2023) from Council Vice Chair Kualii, transmitting for Council consideration, a Resolution Pledging Support For Native Hawaiian Women And Girls. (***See Resolution No. 2023-32***)

F. COMMUNICATIONS:

1. [C 2023-56](#) Communication (02/13/2023) from Representative Nakamura, along with Lance Segawa, Hawai'i Health Systems Corporation (HHSC) Kaua'i Region Chief Executive Officer (CEO), requesting agenda time to brief the Council on the Samuel Mahelona Memorial Hospital (SMMH) Transit-Oriented Development (TOD) Master Plan Update Project.

2. [C 2023-57](#) Communication (02/15/2023) from the Director of Finance, requesting Council approval to accept the terms contained in the U.S. Bank Trust Company's Calculation Agency Agreement, which will be taking over all responsibilities previously held by Bank of New York Mellon (BNYM) as it relates to the County's general obligation and community facilities district bond holdings.

3. [C 2023-58](#) Communication (02/17/2023) from the Housing Director, requesting Council approval to receive and expend Federal Emergency Solutions Grant (ESG) funds, in the estimated amount of up to a maximum of approximately \$460,000.00, which may be used to provide street outreach, emergency shelter, homeless prevention, rapid rehousing assistance, and data collection via the Homeless Management Information System (HMIS).

4. [C 2023-59](#) Communication (02/22/2023) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the second allotment in the amount of \$29,051.00, 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.

5. [C 2023-60](#) Communication (02/23/2023) from the Housing Director, requesting Council approval to receive and expend Congressionally Directed Spending, in the amount of \$8,500,000.00, to be used for the construction of the community center and 40-unit senior housing project at the County's Lima Ola Affordable Housing Subdivision in 'Ele'ele.

6. [C 2023-61](#) Communication (02/27/2023) from Councilmember Bulosan, requesting the presence of the Executive on Transportation, to provide an update on the Kaua'i Bus regarding rebranding, Kaua'i Bus App, and the Kaua'i Bus WiFi.

G. LEGAL DOCUMENT:

1. [C 2023-62](#) Communication (02/24/2023) from the Housing Director, recommending Council approval to execute the Third Amendment to the Building Loan Agreement between the Hawai'i Housing Finance Development Corporation (HHFDC) and the County of Kaua'i, which seeks to clarify an inconsistency between the current loan agreement and the intentions of HHFDC and the County relating to repayment options.
 - Third Amendment to the Building Loan Agreement Lima Ola Workforce Housing Development Phase I Project (Dwelling Unit Revolving Fund Loan)

H. CLAIMS:

1. [C 2023-63](#) Communication (02/13/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Keith King, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-64](#) Communication (02/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph Kua, for mental, physical and emotional injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2023-65](#) Communication (02/21/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Patti Thiele, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. RESOLUTIONS:

1. [Resolution No. 2023-23](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jaelyn K. Kaina*) (*Deferred February 22, 2023*)
2. [Resolution No. 2023-28](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Aimee Lorenzo*)
3. [Resolution No. 2023-29](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Micah R. Finnila*)
4. [Resolution No. 2023-30](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR CALENDAR YEAR 2023
5. [Resolution No. 2023-31](#) – RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO ENACT A STATUTE EXEMPTING BIRTH ATTENDANTS FROM STATE LICENSURE REQUIREMENTS
6. [Resolution No. 2023-32](#) – RESOLUTION PLEDGING SUPPORT FOR NATIVE HAWAIIAN WOMEN AND GIRLS

J. 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.)

- ES-1091 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 to brief the Council and seek approval of a settlement related to the opioid litigation against CVS, Walgreens, Walmart, Teva, Allergan, and other related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

K. ADJOURNMENT.

- L. 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, 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. 2894](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, ARTICLE 1, SECTION 17-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE GENERAL PROVISIONS RELATING TO MOTOR VEHICLES AND TRAFFIC REGULATIONS

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.