

**KAUAI COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 22, 2023
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201, LIHU'E, KAUAI, HAWAII 96766**

MEETING INFORMATION:

- **Oral Testimony:** Accepted in-person at the Council Chambers.
- **Written Testimony:** May be submitted before any meeting via: email to counciltestimony@kauai.gov; fax to (808) 241-6349; mail to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i, 96766; or hand-delivery at Suite 209 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- **Courtesy Livestream, Video, and Minutes:** The meeting will be streamed live, with the recorded video thereafter available, at www.kauai.gov/webcastmeetings. If the courtesy broadcast connection cannot be maintained or is otherwise unavailable, the meeting will proceed. Meeting minutes will be completed pursuant to Hawai'i Revised Statutes Chapter 92 and electronically posted on the Council's website at www.kauai.gov/council following Council approval.
- **For Further Assistance:** 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.

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. March 1, 2023 Special Council Meeting
2. March 8, 2023 Public Hearing re: Bill No. 2894

E. INTERVIEWS:

1. COST CONTROL COMMISSION:

- [Andre N. Lister](#) – Term ending 12/31/2023
- [Paul A. Pancho](#) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2023-66](#) Communication (03/06/2023) from the Director of Finance, transmitting for Council information, the County of Kauaʻi 2023 Real Property Assessment List pursuant to Section 5A-2.2, Kauaʻi County Code 1987, as amended. *(2023 Real Property Assessment List on file in the Office of the County Clerk.)*
2. [C 2023-67](#) Communication (03/13/2023) from the Director of Human Resources, transmitting for Council information, the March 15, 2023 Human Resources Report (Vacancy Report and Recruitment Status Report), pursuant to Section 24 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023.
3. [C 2023-68](#) Communication (03/15/2023) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures which have been factored in with the existing real property tax rates, and based on the certified Real Property Assessment List for Fiscal Year 2024.

COMMUNICATIONS:

1. [C 2023-69](#) Communication (02/24/2023) from the Housing Director, requesting Council approval to receive and expend State of Hawaiʻi ʻOhana Zone funding authorized in 2022 under Act 235, in the amount of \$2,000,000.00, to provide supportive housing and related services for homeless households on Kauaʻi.
2. [C 2023-70](#) Communication (02/24/2023) from the Director of Finance, requesting Council approval to accept the terms and conditions as stated in the Equipment Service Agreement from Business Solutions of Hawaiʻi, Inc., which provides periodic maintenance and service to the check folder/sealer machine maintained in the Accounting Division.

3. [C 2023-71](#) Communication (02/24/2023) from the Chief of Police and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to receive and expend State funds, not to exceed \$11,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as reimbursement for the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258, prohibiting tobacco sales to minors via Memorandum of Agreement 2023-PB-002 effective September 1, 2023 through August 31, 2024.
4. [C 2023-72](#) Communication (03/06/2023) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association, a non-profit organization, of one (1) 2022 Yamaha Jet Ski, valued at \$22,443.97, to be used by the Ocean Safety Roving Patrol operations.
5. [C 2023-73](#) Communication (03/09/2023) from Alan Satta, President of the Rice Street Business Association, requesting Council approval to accept a donation from Rice Street Business Association, of menstrual products, valued at \$200.00, to be used to replenish the dispenser in the women's public restroom in the Historic County Building.
6. [C 2023-74](#) Communication (03/09/2023) from the Fire Chief, requesting Council approval to receive and expend State funds, from the State of Hawai'i, Department of Land and Natural Resources via a Memorandum of Agreement, for one (1) 4x4 Emergency Vehicle with lights and sirens, in the amount of \$60,000.00, for the Ocean Safety Bureau for Kē'e Beach Lifeguard Operations.
7. [C 2023-75](#) Communication (03/09/2023) from the Planning Director, requesting Council approval to apply for, receive, and expend funds from the State of Hawai'i Department of Transportation (HDOT), State Planning and Research (SPR) Program Part I – Planning, under a waiver of the grant program's local match requirement through the Bipartisan Infrastructure Law (BIL), and non-Federal match waiver for SPR funds for Complete Streets planning for the following projects:
 - Līhu'e Mauka Road Multi-Modal Corridor Plan (\$400,000.00); and
 - County Shared Use Path and Access Action Plan (\$400,000.00).

8. [C 2023-76](#) Communication (03/10/2023) from the Prosecuting Attorney, requesting Council approval of the indemnification provision contained in the State Prevention Framework – Partnership for Success (SPF-PFS) grant, for Fiscal Years 2023 and 2024, which was previously approved to receive and expend funds on October 5, 2022.

9. [C 2023-77](#) Communication (03/15/2023) from the Mayor, transmitting his Fiscal Year 2023-2024 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees. *(Detailed Line Item Budget on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2896), Proposed Draft Bill (No. 2897), and the proposed Fiscal Year 2023-2024 Real Property Tax Rate Resolution No. 2023-33)*

G. LEGAL DOCUMENT:

1. [C 2023-78](#) Communication (02/27/2023) from the Housing Director, recommending Council approval of the indemnification provisions contained in the Grant of Easement in Phase I of the Lima Ola Workforce Housing Subdivision by and between the County of Kaua'i and Kaua'i Island Utility Cooperative (KIUC) and Hawaiian Telcom, Inc., which will contain underground and surface utility infrastructure to serve the subdivision, situated at Tax Map Key (TMK) No. (4) 2-1-001:054 (Portion), 'Ele'ele, Kaua'i, Hawai'i.
 - Grant of Easement

H. COMMITTEE REPORT:

1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

1. **CR-FED 2023-04:** on 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 **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2023-29](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Micah R. Finnila*) (***Deferred March 8, 2023***)

2. [Resolution No. 2023-33](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024 FOR THE COUNTY OF KAUAI

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2896\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024 (*Fiscal Year 2023-2024 Operating Budget*)

2. [Proposed Draft Bill \(No. 2897\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024 (*Fiscal Year 2023-2024 CIP Budget*)

K. BILL FOR SECOND READING:

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 (*See also CR-FED 2023-04; 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-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. ***(Deferred March 8, 2023)***

2. ES-1092 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 Subro Claims, Inc. obo for Geico Insurance a/a/o James Brown and 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.

M. ADJOURNMENT.

- N. M. PUBLIC HEARING: The Council will convene a public hearing on the following item(s) on this meeting date at approximately 8:30 a.m., or soon thereafter, and will convene or reconvene the Council Meeting thereafter. For complete information, including a summary of the item(s), please refer to the official Notice of Public Hearing, which has been published, posted on the bulletin board, filed in the Office of the County Clerk, and is available at www.kauai.gov/council/publichearings.
1. [Bill No. 2895](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed-Use Exemption*)