

**COUNTY COUNCIL**

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**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, Hawaii 96766

**MEMORANDUM**

April 13, 2023

**TO:** Derek S.K. Kawakami, Mayor  
**FROM:** Mel Rapozo, Council Chair   
**RE:** **APRIL 12, 2023 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its April 12, 2023 Council Meeting:

**CONSENT CALENDAR:**

C 2023-79 Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Andre N. Lister to the Cost Control Commission – Term ending 12/31/2023. ***(Received for the Record.)***

C 2023-80 Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Paul A. Pancho to the Cost Control Commission – Term ending 12/31/2023. ***(Received for the Record.)***

C 2023-81 Communication (03/15/2023) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2023 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended. ***(Received for the Record.)***

**COMMUNICATIONS:**

C 2023-82 Communication (04/06/2023) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Resolution Amending Resolution No. 2011-77, Draft 1, No. 2017-28, And No. 2022-36, Draft 1, Relating To The County Of Kaua'i Reserve Fund And Reserve Fund Policy, to amend the financial policy of maintaining a Reserve Fund within the General Fund by reducing the target minimum of the previous year's General Fund revenues, as identified in the most recent Annual Comprehensive Financial Report (ACFR), from thirty percent (30%) to twenty-five percent (25%). ***(Received for the Record.)***

C 2023-83 Communication (03/16/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$74,067.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 20-V2-03 (Victim/Witness program) for the period June 30, 2023 through September 30, 2023. **(Approved.)**

C 2023-84 Communication (03/22/2023) from the Housing Director, requesting Council approval of the indemnification provisions contained within Sections C-15 and C-36 of the Purchase Agreement to acquire a 24.209-acre parcel in Kīlauea further identified as Lot II-A-2-B-4 of the Namahana Acres Subdivision, Tax Map Key (TMK) No. (4) 5-2-5-54. (The purchase price of \$4,500,000.00 will be paid in two (2) installments over a 6-month period: a \$2,000,000.00 payment in Fiscal Year (FY) 2022-2023 with funds previously approved by the Council (including \$1,000,000.00 of Federal American Rescue Plan funds), and a \$2,500,000.00 payment in FY 2023-2024 following Council approval of the FY 2023-2024 Operating and Capital Improvements Budgets.) **(Approved.)**

C 2023-85 Communication (03/30/2023) from the Chief of Police and Bryson M. Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Fiscal Year 2022 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$48,330.00, and to indemnify the State of Hawai'i Department of the Attorney General, project award No. 15JOVW-22-GG-00419-STOP, to continue to provide program support of Sexual Assault Nurse Examiners (SANE) program related to training and equipment needs, for the anticipated period of June 1, 2023 to May 31, 2024. **(Approved.)**

**LEGAL DOCUMENT:**

C 2023-86 Communication (03/23/2023) from the Housing Director, recommending Council approval of the terms and conditions, of a Right-of-Entry for historic survey and assessment purposes to determine suitability of State lands for affordable housing purposes and indemnification, between the County of Kaua'i and the State of Hawai'i, Department of Land and Natural Resources, situated at Tax Map Key (TMK) No. (4) 1-6-004:015, Waimea Town Lots, Waimea, Kaua'i, Hawai'i.

- Right-of-Entry **(Approved.)**

**CLAIMS:**

C 2023-87 Communication (03/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Henry Y. Emura, for personal property damage, pursuant to Section 23.06, Charter of the County of Kaua'i. **(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)**

C 2023-88 Communication (03/23/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cheryl Almeida, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2023-89 Communication (03/28/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Harry Curtis Ritter, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2023-90 Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Phillys Patricia Antoine, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2023-91 Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Susan Pang, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

**COMMITTEE REPORT: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2023-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION *(Andre N. Lister)* ***(Approved.)***

Resolution No. 2023-35 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION *(Paul A. Pancho)* ***(Approved.)***

Resolution No. 2023-36 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2023 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED ***(Approved.)***

Resolution No. 2023-37 – RESOLUTION AMENDING RESOLUTION NO. 2011-77, DRAFT 1, NO. 2017-28, AND NO. 2022-36, DRAFT 1, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY ***(Referred to the April 19, 2023 Finance & Economic Development Committee.)***

Council Meeting Follow-up Memorandum to the Mayor

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BILL FOR SECOND READING:

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*) (**Approved.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via Email*)  
KCT CCs (*Via Email*)  
Council Services Staff (*Via Email*)