

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, APRIL 26, 2023
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201, LIHU'E, KAUA'I, 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 meeting of the Council:

1. April 12, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-93](#) Communication (03/06/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Alice E. Luck to the Cost Control Commission – Term ending 12/31/2024. (**See Resolution No. 2023-38**)

2. [C 2023-94](#) Communication (03/10/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Trevor J. Ford to the Fire Commission – Term ending 12/31/2025. **(See Resolution No. 2023-39)**

3. [C 2023-95](#) Communication (03/13/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Walton D.Y. Hong to the Police Commission – Term ending 12/31/2023. **(See Resolution No. 2023-40)**

4. [C 2023-96](#) Communication (04/03/2023) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023.

5. [C 2023-97](#) Communication (04/05/2023) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kauaʻi from January 1, 2023 through March 31, 2023.

6. [C 2023-98](#) Communication (04/14/2023) from the Hawaiʻi State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC’s Fiscal Year 2024 Proposed Operating Budget, pursuant to Section 21 of the Bylaws of the Hawaiʻi State Association of Counties, Inc. **(See Resolution No. 2023-41)**

7. [C 2023-99](#) Communication (04/12/2023) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Execution And Delivery Of One Or More Multifamily Housing Revenue Notes In An Aggregate Principal Amount Not To Exceed Twenty-Five Million Dollars (\$25,000,000) For The Purpose Of Making A Loan To Provide Financing To Lima Ola Family Partners LP, A Hawaiʻi Limited Partnership, For The Acquisition, Construction And Development Of Multifamily Rental Housing; Determining And Prescribing Certain Other Matters Relating Thereto And Approving And Authorizing Related Actions And The Execution And Delivery Of Related Documents And Agreements. **(See Resolution No. 2023-42)**

F. COMMUNICATIONS:

1. [C 2023-100](#) Communication (03/24/2023) from the Chief of Police and Mark T. Ozaki, Acting Assistant Chief of Police, requesting Council approval to transfer Kaua'i Police Department unexpended salaries, in the amount of \$105,000.00, to purchase thirty (30) Mobile Data Terminal (MDT) ruggedized patrol laptops to replace aging units.
2. [C 2023-101](#) Communication (03/28/2023) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Training Agreement between the International Association of Fire Fighters (IAFF) and the County of Kaua'i Fire Department (KFD), which provides the IAFF Peer Support Training Program to the members of the KFD, from July 10-11, 2023.
3. [C 2023-102](#) Communication (03/31/2023) from the Chief of Police, requesting Council approval of the indemnification provision included in the Lexipol Master Service Agreement, which is the leading nationwide, total training solution for law enforcement agencies.
4. [C 2023-103](#) Communication (04/10/2023) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$728,536.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, homemaker, Kūpuna care transportation, personal care, home-delivered meals, respite care, and caregiver support services, for the period July 1, 2022 through June 30, 2023.
5. [C 2023-104](#) Communication (04/13/2023) from Council Vice Chair Kualii and Councilmember Bulosan, requesting Council consideration, of a Proposed Draft Bill Amending Chapter 22, Article 15, Kaua'i County Code 1987, As Amended, Relating To General Provisions Relating To Public Health, Safety And Welfare (Obnoxious Substances) (***See Proposed Draft Bill (No. 2898)***)
6. [C 2023-105](#) Communication (04/14/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal funds for the Domestic Violence Prosecution Unit for 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, to support a Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and supplies, for the anticipated period of June 1, 2023 to January 31, 2024.

7. [C 2023-106](#) Communication (04/14/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal funds, in the amount of \$101,000.00, from the Fiscal Year 2021 Edward J. Byrne Memorial Justice Assistance Grant (JAG), to continue employment of one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kaua'i Police Department Vice Investigators and focus fifty percent (50%) of their time on methamphetamine and opioid focused prosecution. Funding will also be used for fringe benefits, and office supplies, for this position for the anticipated period of July 1, 2023 to June 30, 2024.

8. [C 2023-107](#) Communication (04/14/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive and expend Federal Fiscal Year 2024 funds, in the amount of \$124,740.13, from the Impaired Driving Grant, to reimburse up to 1,040 hours of the Traffic Safety Prosecutor's position as well as travel costs, for training and meetings. The grant will cover expenses for the time period October 1, 2023 through September 30, 2024.

G. LEGAL DOCUMENT:

1. [C 2023-108](#) Communication (03/22/2023) from the County Engineer, recommending Council approval of a Right-of-Entry Agreement, for preliminary investigation of a potential new landfill site, and indemnification, by and between the State of Hawai'i, Agribusiness Development Corporation (ADC) and the County of Kaua'i, a political subdivision of the State of Hawai'i, situated at Tax Map Key (TMK) No. (4) 1-2-002:001 (por), Kekaha, Kaua'i, Hawai'i.
 - Right-of-Entry Agreement

H. CLAIMS:

1. [C 2023-109](#) Communication (04/12/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Vanessa Cummings, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-110](#) Communication (04/13/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alastair Bloxsom, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2023-02:** on PWVS 2023-02 Communication (03/24/2023) from the County Engineer, requesting agenda time to provide a briefing on alternative technologies for long-term management of municipal solid waste on Kaua'i, as well as the process of issuing a two-stage request for proposals to technology vendors tailored to Kaua'i's waste streams. **[Received for the Record.]**

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2023-06:** on 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 **[Received for the Record.]**

J. RESOLUTIONS:

1. [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
2. [Resolution No. 2023-38](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Alice E. Luck*)
3. [Resolution No. 2023-39](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Trevor J. Ford*)
4. [Resolution No. 2023-40](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Walton D.Y. Hong*)
5. [Resolution No. 2023-41](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2023-2024 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

6. [Resolution No. 2023-42](#) – RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE MULTIFAMILY HOUSING REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000) FOR THE PURPOSE OF MAKING A LOAN TO PROVIDE FINANCING TO LIMA OLA FAMILY PARTNERS LP, A HAWAI‘I LIMITED PARTNERSHIP, FOR THE ACQUISITION, CONSTRUCTION AND DEVELOPMENT OF MULTIFAMILY RENTAL HOUSING; DETERMINING AND PRESCRIBING CERTAIN OTHER MATTERS RELATING THERETO AND APPROVING AND AUTHORIZING RELATED ACTIONS AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS AND AGREEMENTS

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2898\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES)

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-1093 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i 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 April 12, 2023)***

2. ES-1095 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 provide a briefing on Na Kia‘i Kai, et al. vs. County of Kaua‘i, et al., Civil No. 22CV-00304 DKW-KJM (United States District Court, District of Hawai‘i). 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.