

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, MAY 10, 2023  
8:30 A.M. OR SOON THEREAFTER  
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201, LĪHU'Ē, 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](mailto: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'ē, 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](http://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](http://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](mailto: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 26, 2023 Council Meeting

E. INTERVIEWS:

1. BOARD OF ETHICS:

- [Kevin P. McGinnis](#) – Term ending 12/31/2025

2. COST CONTROL COMMISSION

- [Tyler R. Rodighiero](#) – Term ending 12/31/2024

F. CONSENT CALENDAR:

1. [C 2023-111](#) Communication (04/25/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Urging Federal, State, And County Elected Officials To Support Funding And Implementation Of Mosquito Birth Control Measures To Mitigate The Rapid Decline Of Native Bird Species. ***(See Resolution No. 2023-43)***
2. [C 2023-112](#) Communication (05/01/2023) from Councilmember Cowden and Council Vice Chair Kualii transmitting for Council consideration a Resolution Urging The State Of Hawai'i Board Of Land And Natural Resources To Consider Public Access, Uses, And Purposes For State Parcels At Wailua. ***(See Resolution No. 2023-44)***

G. 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. *(See also CR FED 2023-07; the May 3, 2023 Finance & Economic Development Committee recommended approval.)*
2. [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. *(See also CR FED 2023-08; the May 3, 2023 Finance & Economic Development Committee recommended approval.)*
3. [C 2023-113](#) Communication (04/18/2023) from the Chief of Police and Acting Assistant Chief Paul N. Applegate, requesting Council approval to receive and expend funds from the Hawai'i High Intensity Drug Trafficking Area (HIDTA) Program, in the amount of \$185,400.00, for the payment of overtime, renting of vehicles and aircraft, trainings, replacement of old equipment, and to purchase new technology.

4. [C 2023-114](#) Communication (04/24/2023) from the Director of Finance, requesting Council approval to accept the Enterprise Service Agreement associated with the County's establishment of an internet communications circuit with Spectrum, which are associated with unspecified future obligations and indemnifications.
  
5. [C 2023-115](#) Communication (05/02/2023) from Council Chair Rapozo requesting the presence of the Planning Director, to provide a briefing on the status of efforts to build a hotel at the site of the former Coco Palms Resort in Wailua, including:
  - The responsibilities of the State, County, and developers;
  - Deadlines and anticipated timing; and
  - Explanation of why the development has been delayed.

#### H. CLAIMS:

1. [C 2023-116](#) Communication (04/18/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Insurance Company as subrogee of Eric Ibaan, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2023-117](#) Communication (04/25/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ginny Pia, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. COMMITTEE REPORTS:

##### 1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2023-01:** on PRT 2023-01 Communication (04/17/2023) from Committee Chair Bulosan requesting the presence of the Director of Parks & Recreation, to provide an update on the following projects:
  - Kōloa tennis/pickleball court,
  - Hanapēpē & Līhu'e restroom renovations, and
  - Play court resurfacing.**[Received for the Record.]**

**2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:**

- a. **CR-FED 2023-07:** on 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. **[Committee recommended Approval.]**
- b. **CR-FED 2023-08:** on 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. **[Committee recommended Approval.]**

**3. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2023-03:** on COW 2023-01 Communication (04/25/2023) from Councilmember DeCosta requesting the presence of the Chief of Police, to provide a briefing regarding the reorganization of the Kaua'i Police Department. **[Received for the Record.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2023-41](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2023-2024 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES (*Deferred April 26, 2023*)

2. [Resolution No. 2023-43](#) – RESOLUTION URGING FEDERAL, STATE, AND COUNTY ELECTED OFFICIALS TO SUPPORT FUNDING AND IMPLEMENTATION OF MOSQUITO BIRTH CONTROL MEASURES TO MITIGATE THE RAPID DECLINE OF NATIVE BIRD SPECIES

3. [Resolution No. 2023-44](#) – RESOLUTION URGING THE STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES TO CONSIDER PUBLIC ACCESS, USES, AND PURPOSES FOR STATE PARCELS AT WAILUA

K. 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.)

L. ADJOURNMENT.

M. PUBLIC HEARING: The Council will convene a public hearing on the following item(s) on this meeting date at approximately 5:00 p.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](http://www.kauai.gov/council/publichearings).

1. [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
2. [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*)
3. [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*)