

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 31, 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 meetings of the Council:

1. May 10, 2023 Public Hearing re: Resolution No. 2023-33, Bill No. 2896, and Bill No. 2897
2. May 15, 2023 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-119](#) Communication (04/20/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Kevin P. McGinnis to the Board of Ethics – Term ending 12/31/2025. *(See Resolution No. 2023-45)*

2. [C 2023-120](#) Communication (04/27/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Tyler R. Rodighiero to the Cost Control Commission – Term ending 12/31/2024. (***See Resolution No. 2023-46***)

3. [C 2023-121](#) Communication (05/01/2023) from the Director of Human Resources, transmitting for Council information, the May 1, 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.

4. [C 2023-122](#) Communication (05/02/2023) from the Director of Finance, transmitting for Council information, Period 7 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of January 31, 2023, pursuant to Section 21 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023. (*Copies of the Period 7 Financial Reports as of January 31, 2023 on file in the Office of the County Clerk.*)

5. [C 2023-123](#) Communication (05/08/2023) from the Director of Finance, transmitting for Council information, Period 8 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of February 28, 2023, pursuant to Section 21 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023. (*Copies of the Period 8 Financial Reports as of February 28, 2023 on file in the Office of the County Clerk.*)

6. [C 2023-124](#) Communication (05/09/2023) from the Director of Finance, transmitting for Council information, Period 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of March 31, 2023, pursuant to Section 21 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023. (*Copies of the Period 9 Financial Reports as of March 31, 2023 on file in the Office of the County Clerk.*)

7. [C 2023-125](#) Communication (05/16/2023) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 9, 2023.

F. COMMUNICATIONS:

1. [C 2023-118](#) Communication (05/06/2023) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2023-2024 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter. (***Public Hearing held on May 24, 2023***)
2. [C 2023-126](#) Communication (05/16/2023) from the Director of Liquor Control, requesting Council approval to accept a donation from the Hawai'i State Department of Health, Alcohol and Drug Abuse Division, of two hundred forty (240) NARCAN Nasal Spray Units (NALOXONE), valued at \$30,000.00, to be offered to liquor licensees upon successful completion of the manufacture training and acknowledgement from the licensee of training completion.
3. [C 2023-127](#) Communication (05/17/2023) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 for Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters, specifically, in County of Kaua'i vs. B&D Properties, LLC et al. identified as case number 5CCCV-22-0000013.
4. [C 2023-128](#) Communication (05/17/2023) from the County Engineer, requesting Council approval of indemnification language as noted on Invitation For Bid (IFB) 3863 and IFB 3871 for equipment rental for island-wide use for the Department of Public Works.
5. [C 2023-129](#) Communication (05/18/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$962,172.00, from the Bureau of Justice Assistance (BJA) Fiscal Year (FY) 2023 Second Chance Act Pay for Success Program. These funds will be awarded to start the E Ho'i I Ka Piko (Returning to the Center) Program and will fund a 1.0 Full-Time Employee (FTE) Social Worker IV position, fringe benefits, a modular unit to house the Life's Choices staff, and the E Ho'i I Ka Piko Program, office equipment and supplies. The proposed project period is October 2, 2023 to April 1, 2028.

6. [C 2023-130](#) Communication (05/18/2023) from the County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$348,055.56, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2024 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions and support mobile redemption center operations in Kekaha and Kōloa, and approval to apply for, receive, and expend State recycling grant funds in the amount of \$45,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste (eWaste) Recycling for Fiscal Year 2024.

7. [C 2023-131](#) Communication (05/19/2023) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to approve Chapter 8, Kaua'i County Code 1987, as amended, relating to Zoning designation in Puhi, Kaua'i (*University of Hawai'i Community Colleges, Kaua'i Community College, Applicant*) (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2023-3), Planning Commission's Agenda dated April 11, 2023, Director's Report dated March 31, 2023, and Agency Comments, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2899)**)

8. [C 2023-132](#) Communication (05/23/2023) from Council Chair Rapozo, requesting the presence of the Managing Director, Director of Finance, and representatives from N&K CPAs, Inc., to discuss the [Annual Comprehensive Financial Report \(ACFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2022. (*Copies of the ACFR, Single Audit Reports, and Management Advisory Report for the Fiscal Year Ended June 30, 2022 on file in the Office of the County Clerk.*)

G. CLAIMS:

1. [C 2023-133](#) Communication (05/04/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Erin M. Sharpe, for bodily injury and loss of income, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-134](#) Communication (05/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Brandy Dias-Christian, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2023-135](#) Communication (05/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tina M. Soberano, for vehicle damage, personal injury, and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2023-04:** on COW 2023-02 Communication (05/17/2023) from Committee Chair Rapozo, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2023-2024 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-COW 2023-05:** on 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 **[Approved as Amended.]**
- c. **CR-COW 2023-06:** on 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*) **[Approved as Amended.]**
- d. **CR-COW 2023-07:** on 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*) **[Approved as Amended.]**

I. RESOLUTIONS:

1. [Resolution No. 2023-33, Draft 1](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024 FOR THE COUNTY OF KAUAI (*See CR-COW 2023-05, the Committee of the Whole recommended approval as amended to Resolution No. 2023-33, Draft 1 on May 24, 2023.*)

2. [Resolution No. 2023-44, Draft 1](#) – RESOLUTION URGING THE STATE OF HAWAII BOARD OF LAND AND NATURAL RESOURCES TO CONSIDER PUBLIC ACCESS, USES, AND PURPOSES FOR STATE PARCELS AT WAILUA (*Deferred May 10, 2023*)

3. [Resolution No. 2023-45](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Kevin P. McGinnis*)

4. [Resolution No. 2023-46](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Tyler R. Rodighiero*)

J. BILL FOR FIRST READING

1. [Proposed Draft Bill \(No. 2899\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN PUHI, KAUAI (*University of Hawaii Community Colleges, Kauai Community College, Applicant*) (ZA-2023-3)

K. BILLS FOR SECOND READING:

1. [Bill No. 2896, Draft 1](#) – 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*) (*See also CR-COW 2023-06; the Committee of the Whole recommended approval as amended to Bill No. 2896, Draft 1 on May 24, 2023.*)

2. [Bill No. 2897, Draft 1](#) – 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*) (*See also CR-COW 2023-07; the Committee of the Whole recommended approval as amended to Bill No. 2897, Draft 1 on May 24, 2023.*)

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 1096 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 Special Counsel's continued services to represent the County of Kaua'i in County of Kaua'i vs. B&D Properties, LLC et al. (5CCCV-22-000013). This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES 1097 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(3), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the County Council requests an Executive Session to deliberate on the acquisition of public property, specifically, properties identified by tax map keys: 4-1-003-004 and 4-1-003-007. This briefing and consultation involves 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. 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. 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)