

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, JUNE 14, 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](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'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](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 meetings of the Council:

1. May 24, 2023 Public Hearing re: C 2023-118
2. May 31, 2023 Public Hearing re: Bill No. 2898

E. INTERVIEWS:

1. BOARD OF REVIEW:

- [Graham Odenheimer](#) – Term ending 12/31/2025

2. POLICE COMMISSION:

- [Howard Leslie](#) – Term ending 12/31/2025

F. CONSENT CALENDAR:

1. [C 2023-136](#) Communication (05/23/2023) from the Director of Finance, transmitting for Council information, Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 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 10 Financial Reports as of April 30, 2023 on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2023-137](#) Communication (05/15/2023) from the Chief of Police and Acting Assistant Chief Paul N. Applegate, requesting approval to accept and expend recurring Federal funds, in the amount of \$61,572.00, from the Fiscal Year 2021 Edward J. Byrne Memorial Justice Assistance Grant (JAG), to be used for the purpose of drug-related investigations.
2. [C 2023-138](#) Communication (05/25/2023) from the Housing Director, requesting Council approval of the Gap Indemnity Agreement between the County of Kauaʻi and Old Republic Title and Escrow of Hawaiʻi, relating to title insurance provided for Lima Ola Multi-Family Development and Lima Ola Senior Housing Development properties situated at Tax Map Key (TMK) Nos. (4) 2-1-001-054 (Lot #45) and (4) 2-1-001-054 (Lot #2).
3. [C 2023-139](#) Communication (05/25/2023) from the Housing Director, requesting Council approval to receive and expend Fiscal Year (FY) 2023 Congressional Directed Spending funds, in the amount of \$7,772,000.00, to be used for the construction of infrastructure in Lima Ola Phase II, which entails the installation of roads, water lines, sewer service, storm water drainage, and communication infrastructure for the development of 172 affordable homes with Phase II of the County's 75-acre Lima Ola Subdivision.
4. [C 2023-140](#) Communication (05/25/2023) from the Housing Director, requesting Council approval to receive and expend Fiscal Year (FY) 2023 Congressional Directed Spending funds, in the amount of \$5,000,000.00, to be used to serve domestic water and fireflow needs of the residents and businesses located in the neighboring towns of Hanapēpē, ʻEleʻele, and Port Allen.

5. [C 2023-141](#) Communication (05/30/2023) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend Federal Transit Administration (FTA) Section 5311 formula grant appropriation funds in the amount of \$1,088,066.00, to be used to fund the fifty percent (50%) portion of allowable expenses such as bus driver wages, hourly pay, and fringe benefit line items.
6. [C 2023-142](#) Communication (05/30/2023) from the Director of Finance, requesting Council approval of the indemnification provision and the unspecified future obligations contained in the Legal Terms and Conditions from System Innovators E-Commerce Online Payment Portal to accept online payment applications.
7. [C 2023-143](#) Communication (05/31/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$189,271.00, 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 October 1, 2023 through June 30, 2024.
8. [C 2023-144](#) Communication (06/01/2023) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, And Repealing Ordinance No. 1130 And Section 6 Of Ordinance No. 1132 Relating To Real Property Tax, which will eliminate the Residential Investor tax classification, establish authority for creating valuation thresholds and tax rate tiering, and rename three (3) existing tax classifications for better understanding and clarity by taxpayers. ***(See Proposed Draft Bill (No. 2900))***
9. [C 2023-145](#) Communication (06/02/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend funds, in the amount of \$55,000.00, for contract DHS-20-OYS-037, Supplement 2, and to indemnify the State of Hawai'i, Office of Youth Services, to continue the Kaua'i Teen Court program, which is subcontracted to Hale 'Ōpio Kaua'i, for a tentative time period of July 1, 2023 to June 30, 2025.

H. CLAIMS:

1. [C 2023-146](#) Communication (05/16/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mark Marchant, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2023-147](#) Communication (05/24/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ona Lowry, 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 2023-02:** on PRT 2023-02 Communication (04/26/2023) from Council Chair Rapozo, requesting the presence of the Director and Deputy Director of Parks & Recreation, to provide an informational update on progress of the Master Plan for Black Pot Beach Park. **[Received for the Record.]**

2. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2023-02:** on Bill No. 2898 A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES) **[Approved.]**

J. BILL FOR FIRST READING

1. [Proposed Draft Bill \(No. 2900\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, AND REPEALING ORDINANCE NO. 1130 AND SECTION 6 OF ORDINANCE NO. 1132, RELATING TO REAL PROPERTY TAX

K. BILL FOR SECOND READING:

1. [Bill No. 2898](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES) (*See also CR-PSHS 2023-02; the Public Safety & Human Services 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.)*

M. ADJOURNMENT.