

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 9, 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:** Meeting livestream (recorded video to follow) is available at www.kauai.gov/Government/Council/Webcast-Meetings. If the courtesy livestream is unavailable for any reason, the meeting will proceed. Meeting minutes will be completed pursuant to Hawai'i Revised Statutes (HRS) Chapter 92 and electronically posted at www.kauai.gov/Government/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. June 28, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-171](#) Communication (07/13/2023) from Hugo D. Cabrera, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2023 through June 30, 2023.

F. COMMUNICATIONS:

1. [C 2023-172](#) Communication (07/18/2023) from Council Chair, requesting the presence of Ed Sniffen, Director of the State of Hawai'i Department of Transportation, Highways Division, to provide an update on pending projects relating to the following:
 - Wailua/Kapa'a traffic issues and what is being done to address the growing traffic problem in the Wailua/Kapa'a corridor;
 - Tree trimming islandwide; and
 - The status of repair work to Port Allen Pier and Port Allen Small Boat Harbor, including the weaknesses/vulnerabilities of the pier and future plans to allow barge service to the pier.

2. [C 2023-173](#) Communication (07/21/2023) from the Boards & Commissions Administrator, requesting Council approval to accept roundtrip airfare accommodations for three (3), estimated in value to be approximately \$405.00, for two (2) members of the Board of Ethics and one (1) staff person to attend the one-day, statewide ethics conference which will be held on September 1, 2023.

3. [C 2023-174](#) Communication (07/24/2023) from the Director of Finance, requesting Council approval of the acceptance of legal terms and conditions from System Innovators E-Commerce Online Payment Portal – Orbipay & Alacriti.

4. [C 2023-175](#) Communication (07/25/2023) from Edwin H. Sniffen, Director of the State of Hawai'i Department of Transportation, Highways Division, requesting agenda time to present an update on the HiRUC project and to share details about Act 222, legislation enacted this year that implements a road usage charge for electric vehicles (EVs) beginning on July 1, 2025.

5. [C 2023-176](#) Communication (08/01/2023) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, amending Section 5A-11.4, Section 5A-11.22, Section 5A-11-12.1, Section 5A-11A.3, and Section 5A-11.3, repealing Section 5A-11.7, Section 5A-11.11, Section 5A-11.14, Section 5A-11.16, and Section 5A-11.31, and creating a new section entitled "Assessment Cap for Other Than Home Exemption Property and Property Used For Long-Term Affordable Rental." (*See Proposed Draft Bill (No. 2901)*)

6. [C 2023-177](#) Communication (08/01/2023) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, amending Section 5A-11.6, Section 5A-11.8, Section 5A-11A.2, Section 5A-11A.1, Section 5A-11A.3, and Section 5A-11.3, creating a new exemption entitled "Exemption for Property Used for Long-Term Gap Housing Rental," and creating a new section entitled "Assessment Cap for Other Than Home Exemption Property and Property Used For Long-Term Affordable Rental." (***See Proposed Draft Bill (No. 2902)***)

7. [C 2023-178](#) Communication (08/01/2023) from Councilmember Cowden, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, creating a new exemption entitled "Exemption for Property Used for Long-Term Gap Housing Rental" and a new "Long-Term Gap Housing Rental" tax rate classification, and making minor changes to Section 5A-11A.1 for consistency with existing language. (***See Proposed Draft Bill (No. 2903)***)

8. [C 2023-179](#) Communication (08/01/2023) from Councilmember Cowden, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, granting separated married persons each their own full Home Exemption, making the separation easier to establish with the Department of Finance, increasing the two-year maximum allowance of this benefit to five (5) years, and modernizing the language to include civil unions. (***See Proposed Draft Bill (No. 2904)***)

G. CLAIMS:

1. [C 2023-180](#) Communication (07/17/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Milagros A. Sagucio, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-181](#) Communication (07/18/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Isaac Ornellas, for loss of income and leisure time, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2023-182](#) Communication (07/18/2023) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Takitani Agaran Jorgensen & Wildman, LLLP Joseph L. Wildman, Esq., for Shelby Bazil, for personal injury, medical bills, and loss of income, pursuant to Section 23.06, Charter of the County of Kauaʻi.
4. [C 2023-183](#) Communication (07/25/2023) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Enterprise Rent A Car, Damage Recovery Unit, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.
5. [C 2023-184](#) Communication (07/26/2023) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Diana Howard, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.
6. [C 2023-185](#) Communication (07/27/2023) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Remillard Huynh & Barbour, a law partnership, representing Lorie Nishikuni natural parent and guardian of Makana Nishikuni, for personal injury and medical bills, pursuant to Section 23.06, Charter of the County of Kauaʻi.
7. [C 2023-186](#) Communication (07/27/2023) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Royden Tanaka, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.

H. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2901\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2024*)
2. [Proposed Draft Bill \(No. 2902\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2025*)
3. [Proposed Draft Bill \(No. 2903\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Long-Term Gap Housing Rental*)

4. [Proposed Draft Bill \(No. 2904\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Separated Married Persons*)

I. 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-1099 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 involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

J. ADJOURNMENT.