

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 23, 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. July 27, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-187](#) Communication (07/19/2023) from Council Chair Rapozo and Council Vice Chair Kualii, transmitting for Council consideration, a Resolution Urging State Of Hawai'i Elected Officials To Support Increased Funding For The Commission On Water Resource Management To Effectuate Their Mission. (**See Resolution No. 2023-56**)

2. [C 2023-188](#) Communication (07/31/2023) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 22 of Ordinance No. B-2022-886, as amended, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022-2023.

3. [C 2023-189](#) Communication (08/11/2023) from Councilmember DeCosta and Councilmember Kagawa, transmitting for Council consideration, a Resolution Requesting The State Of Hawai'i And Applicable Tourism Entities Consider Prohibiting Or Discouraging Certain Undesirable Visitor Activities. (***See Resolution No. 2023-57***)

F. COMMUNICATIONS:

1. [C 2023-190](#) Communication (07/27/2023) from the Chief of Police and Elliot K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of the indemnification provision of the LexisNexis Risk Solution Application Terms and Conditions, to complete the data exchange between Motorola Solutions Inc., LexisNexis, and the Kaua'i Police Department.

2. [C 2023-191](#) Communication (08/03/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$74,434.00, and indemnify the State of Hawai'i, Department of the Attorney General, to be used towards funding the Victim Witness Assistance Program 24-VW-03, for the period of July 1, 2023 through June 30, 2025.

3. [C 2023-192](#) Communication (08/08/2023) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval of the indemnification provision included in the EagleView Master Service Agreement, which collects and provides the County with high resolution oblique digital aerial photographic imagery and software products that allows for the viewing of imagery using the County's Geographic Information System (GIS), and delivers services and software products that integrate imagery with the County's E-911 dispatch system with tools that allow for the Kaua'i Public Safety Answering Points (PSAPs) to access imagery and data through the E-911 interfaces.

4. [C 2023-193](#) Communication (08/09/2023) from the Director of Parks & Recreation, requesting Council approval to receive and expend capital improvement funds from the State of Hawai'i in a total amount of \$10,983,000.00, appropriated from the State Legislature of 2022, to be used towards the following projects:
 - Hanapēpē Stadium (\$1,883,000.00);
 - Vidinha Stadium Renovation (\$6,500,000.00); and
 - Captain Cook Memorial Park (\$2,600,000.00).

5. [C 2023-194](#) Communication (08/10/2023) from Councilmember DeCosta and Councilmember Bulosan, transmitting for Council consideration A Bill For An Ordinance Amending Chapter 6, Article 13, Kaua'i County Code 1987, As Amended, Relating To Recovery Of Rescue Expenses, creating an Adventure Rescue Card program to be offered and advertised as an optional amenity, and amending the existing Recovery of Rescue Expenses provisions to integrate the Adventure Rescue Card program and reflect the wording of State law. ***(See Proposed Draft Bill (No. 2905))***

6. [C 2023-195](#) Communication (08/11/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$111,314.00 for the Career Criminal Prosecution Program, and indemnify the State of Hawai'i, Department of the Attorney General, to be used towards funding of one (1) 0.85 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and office supplies, for the period of July 1, 2023 through June 30, 2025.

7. [C 2023-196](#) Communication (08/17/2023) from Council Chair Rapozo, requesting Council consideration A Bill For An Ordinance Amending Ordinance No. B-2023-891 As Amended, Relating To The Operating Budget Of The County Of Kauai, State Of Hawai'i, For The Fiscal Year July 1, 2023 Through June 30, 2024, By Revising The Amounts Estimated In The General Fund, to establish Constituent Staff Support positions for Councilmembers. ***(See Proposed Draft Bill (No. 2906))***

G. CLAIMS:

1. [C 2023-197](#) Communication (07/31/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kristopher Breyer, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-198](#) Communication (08/01/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William R. Sarocan, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2023-199](#) Communication (08/02/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mark Michetti, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2023-10:** on COW 2023-05 Communication (08/02/2023) from Council Chair Rapozo, requesting the presence of the Fire Chief and the Deputy Fire Chief, to provide a briefing on the Pulse Point System. **[Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2023-56](#) – RESOLUTION URGING STATE OF HAWAII ELECTED OFFICIALS TO SUPPORT INCREASED FUNDING FOR THE COMMISSION ON WATER RESOURCE MANAGEMENT TO EFFECTUATE THEIR MISSION
2. [Resolution No. 2023-57](#) – RESOLUTION REQUESTING THE STATE OF HAWAII AND APPLICABLE TOURISM ENTITIES CONSIDER PROHIBITING OR DISCOURAGING CERTAIN UNDESIRABLE VISITOR ACTIVITIES

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2905\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RECOVERY OF RESCUE EXPENSES
2. [Proposed Draft Bill \(No. 2906\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Constituent Staff Support - \$500,000*)

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.)

1. ES-1101 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 regarding a bill for an ordinance amending Chapter 6, Article 13, Kaua'i County Code 1987, as amended, relating to Recovery of Rescue Expenses. 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-1102 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 obtain settlement authority of Paul Applegate vs. County of Kaua'i et al., case number CV21-00364 and related matters. 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.

3. ES-1103 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 regarding a Resolution Requesting The State Of Hawai'i And Applicable Tourism Entities Consider Prohibiting Or Discouraging Certain Undesirable Visitor Activities. 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.

L. ADJOURNMENT.