

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, OCTOBER 4, 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 meetings of the Council:

1. September 6, 2023 Council Meeting
2. September 6, 2023 Public Hearing re: Bill No. 2901, Bill No. 2902, Bill No. 2903, and Bill No. 2904
3. September 20, 2023 Public Hearing re: Bill No. 2906

E. CONSENT CALENDAR:

1. [C 2023-215](#) Communication (09/25/2023) from Councilmember Kagawa and Councilmember Cowden, transmitting for Council consideration, a Resolution Urging The State Department Of Health To Continue To Contract With American Medical Response To Provide Emergency-Medical Services In The County Of Kaua'i. *(See Resolution No. 2023-60)*

2. [C 2023-216](#) Communication (09/26/2023) from Councilmember Bulosan and Councilmember DeCosta, transmitting for Council consideration, a Resolution Urging State Officials To Prioritize Funding And Immediate Implementation Of A Rapid Response Management Effort To Safeguard Kaua'i From The Impacts Caused By The Coconut Rhinoceros Beetle. (***See Resolution No. 2023-61***)

F. COMMUNICATIONS:

1. [C 2023-217](#) Communication (09/11/2023) from Councilmember DeCosta and Councilmember Kagawa, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Article 3, Section 19-3.2, Kaua'i County Code 1987, As Amended, Relating To Playing Fees At the Wailua Golf Course, reestablishing the playing fees at the Wailua Golf Course due to current market conditions, the high demand for play, the significant cost of operations, and the condition of the Wailua Golf Course as compared to other options on Kaua'i. (***See Proposed Draft Bill (No. 2907)***)

2. [C 2023-218](#) Communication (09/15/2023) from the Director of Parks & Recreation and Todd Ozaki, Executive Assistant to the Mayor, requesting agenda time to discuss the use of the County's Self-Insurance Fund in the amount of \$1,260,000.00 as a result of flood damage caused by a fire sprinkler discharge on June 18, 2023. Anticipated work items include and may not be limited to:
 - Water extraction; furniture and appliance removal; tear out of damaged flooring and drywall; hazardous materials testing; sanitation; framing and drywall installation; insulation; floor molding; concrete floor treatment; painting, etcetera; and
 - Office cubicles and partitions; office furniture, cabinetry, assemble, and attachment; electrical relocation as needed; and
 - Data drops; network switches and racks; and fiber backhaul to data center.

3. [C 2023-219](#) Communication (09/19/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$1,000,000.00, 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 1, 2023 to March 31, 2028.

4. [C 2023-220](#) Communication (09/20/2023) from the County Engineer, requesting Council approval to receive and expend Congressionally Directed Spending, in the amount of \$1,200,000.00, administered by the National Oceanic and Atmospheric Administration (NOAA) and are intended for the Waimea 400 Wetland Restoration project.

5. [C 2023-221](#) Communication (09/26/2023) from Council Chair Rapozo, requesting the presence of Mike Ewall, Founder and Executive Director of Beyond Burning, and Founder of the Energy Justice Network, to provide a briefing regarding the negative effects of burning waste and the benefits of diverting waste from the landfill.

6. [C 2023-222](#) Communication (09/27/2023) from the County Clerk, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2023-891, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, 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 cover \$61,400.00 of additional costs associated with the external auditor's work to complete the County's Annual Comprehensive Financial Report for Fiscal Year 2023. (***See Proposed Draft Bill (No. 2908)***)

7. [C 2023-223](#) Communication (09/27/2023) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Authorizing The Procurement Of The Services Of A Contract Auditor And Approving A Contract For A Contract Auditor From Appropriations Of A Later Fiscal Year For More Than One Fiscal Year. (***See Proposed Draft Bill (No. 2909)***)

G. COMMITTEE REPORTS:

1. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2023-03:** on PSHS 2023-02 Communication (07/26/2023) from Councilmember Bulosan, requesting the presence of the Executive on Aging, Hawai'i Foodbank Kaua'i, and the Kaua'i Independent Food Bank, to provide a briefing regarding food insecurity on Kaua'i among *kūpuna* and others, and partnerships with local foodbanks. [**Received for the Record.**]

2. COMMITTEE OF THE WHOLE:**a. CR-COW 2023-11: on 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*) **[Approved as Amended.]**

H. RESOLUTIONS:

1. [Resolution No. 2023-60](#) – RESOLUTION URGING THE STATE DEPARTMENT OF HEALTH TO CONTINUE TO CONTRACT WITH AMERICAN MEDICAL RESPONSE TO PROVIDE EMERGENCY-MEDICAL SERVICES IN THE COUNTY OF KAUAI

2. [Resolution No. 2023-61](#) – RESOLUTION URGING STATE OFFICIALS TO PRIORITIZE FUNDING AND IMMEDIATE IMPLEMENTATION OF A RAPID RESPONSE MANAGEMENT EFFORT TO SAFEGUARD KAUAI FROM THE IMPACTS CAUSED BY THE COCONUT RHINOCEROS BEETLE

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2907\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE

2. [Proposed Draft Bill \(No. 2908\)](#) – 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 (*Additional Costs For Fiscal Year 2023 ACFR – \$61,400.00*)

3. [Proposed Draft Bill \(No. 2909\)](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR

J. BILL FOR SECOND READING:

1. [Bill No. 2906, Draft 1](#) – 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 - \$400,000*) (*See also CR-COW 2023-11; the Committee of the Whole recommended approval of Bill No. 2906, Draft 1 on September 27, 2023.*)

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-1105 Pursuant to Hawai'i Revised Statutes 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 with the Council, to provide Council with a briefing and request authority for a possible settlement proposal in a claim filed by, CLERKIN, SINCLAIR & MAHFOUZ OBO USAA CASUALTY INSURANCE COMPANY A/S/O ADAM K. HUSSEY AND KYLLIE HUSSEY 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.

L. ADJOURNMENT.