

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, NOVEMBER 15, 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:** Meeting livestream (recorded video to follow) is available at [www.kauai.gov/Government/Council/Webcast-Meetings](http://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](http://www.kauai.gov/Government/Council) following Council approval.
- **Courtesy Remote Oral Testimony:** This is not a remote meeting pursuant to HRS Section 92-3.7. The option of remote oral testimony is offered as a courtesy only. To register, testifiers shall sign up via emailing [remote.signup@kauai.gov](mailto:remote.signup@kauai.gov), indicating the agenda item(s) they would like to provide testimony on. Registration emails are due no later than 12:00 Noon the day prior to the meeting. Those who timely register will receive remote testimony access and instructions via reply email. Those wishing to view the meeting but not provide testimony will be directed to the courtesy livestream (via the website link above). If the courtesy remote testimony access is unavailable for any reason, the meeting will proceed.
- **Additional Note for Both Methods of Oral Testimony:** Generally, each agenda item is addressed (and oral testimony received) in the order listed in the agenda; however, agenda items may occur out of order without notice and oral testimony is not accepted for completed agenda items. Those seeking the guaranteed ability to testify should report: (1) in-person, and (2) by the meeting start time.
- **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. October 18, 2023 Council Meeting
2. November 1, 2023 Public Hearing re: Bill No. 2907, Bill No. 2908, and Bill No. 2909

E. CONSENT CALENDAR:

1. [C 2023-239](#) Communication (10/27/2023) from Bernard P. Carvalho, Jr., Hawai'i State Association of Counties (HSAC) President, transmitting for the Kaua'i County Council's consideration, the following proposals to be included in the 2024 HSAC Legislative Package, which were approved by the HSAC Executive Committee on October 26, 2023:
  - A Bill For An Act Relating To Family Leave (*County of Maui*)
  - A Bill For An Act Relating to Tobacco Products (*City and County of Honolulu*)
  - A Bill For An Act Relating to Traffic Regulation (*County of Hawai'i*)
  - A Bill For An Act Relating to Emergency Management (*County of Hawai'i*) (***See Resolution No. 2023-66***)

F. COMMUNICATIONS:

1. [C 2023-240](#) Communication (10/17/2023) from the Chief of Police, and Elliott K. Ke, Assistant Chief, Patrol Services Bureau, requesting Council approval to receive and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions, with a total anticipated amount for the Fiscal Year of \$603,918.00, and approval to indemnify the State of Hawai'i, Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contracted period of July 1, 2023 to June 30, 2024.

2. [C 2023-241](#) Communication (11/02/2023) from Renee M. Yadao, Waterworks Controller, and Joseph E. Tait, Manager and Chief Engineer, requesting Council approval to dispose of various fiscal division records, pursuant to Hawai'i Revised Statutes Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and no longer of use or value and warrants of the County that have been paid and that bear any date over ten (10) years:

- Accounts Payable (Claim vouchers, support documents, invoices from 2013 and older)
- Asset, Inventory (Material inventory records, reports, and logs from 2013 and older)
- Reporting (Financial reports, budget reports, cash distribution reports from 2013 and older)
- Payroll (Payroll reports, registers, timesheets, leave requests from 2015 and older)
- Contracts/Purchase Orders (POs) (Closed contracts/POs, and supporting documents from 2013 and older)
- Receipts/JEs (Customer payment logs, routine journal entries from 2013 and older)

#### G. COMMITTEE REPORTS:

##### 1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2023-04:** on 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  
**[Approved as Amended.]**

##### 2. PLANNING COMMITTEE:

- a. **CR-PL 2023-04:** on PL 2023-02      Communication (10/05/2023) from Committee Chair Carvalho, requesting the presence of the Planning Director, to provide a briefing regarding the upcoming East Kaua'i Community Plan process. **[Received for Record.]**

**3. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:**

- a. **CR-FED 2023-13:** on Bill No. 2902, Draft 1      A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2025*) **[Approved as Amended.]**

**4. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2023-13:** on COW 2023-07      Communication (10/03/2023) from Council Chair Rapozo, requesting the presence of Alice Luck of Kauai Planning and Action Alliance, to provide a briefing on the Kauai Resilience Project and specific opportunities that the County has to support youth on Kauai. **[Received for the Record.]**
- b. **CR-COW 2023-14:** on 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*) **[Approved.]**
- c. **CR-COW 2023-15:** on 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 **[Approved.]**

#### H. RESOLUTION:

1. [Resolution No. 2023-66](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2024 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

#### I. BILLS FOR SECOND READING:

1. [Bill No. 2902, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2025*) (*See also CR-FED 2023-13; the Finance & Economic Development Committee recommended approval of Bill No. 2902, Draft 2 on November 8, 2023.*)

2. [Bill No. 2907, Draft 1](#) – 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 (*See also CR-PRT 2023-04; the Parks & Recreation / Transportation Committee recommended approval of Bill No. 2907, Draft 1 on November 8, 2023.*)

3. [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*) (*See also CR-COW 2023-14; the Committee of the Whole recommended approval on second and final reading.*)

4. [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 (*See also CR-COW 2023-15; the Committee of the Whole recommended approval on second and final reading.*)

J. EXECUTIVE SESSION: *Pursuant to Hawaii 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-1110 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 with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by DB Insurance Company Ltd. c/o John Mullen & Company (Delfin Castillo) 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.
  
2. ES-1111 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 with the Council, to provide the Council with a briefing and request for settlement authority in the Equal Employment Opportunity Commission ("EEOC") matter of Anthony J. Morita v. County of Kaua'i, Kaua'i Police Department, EEOC No. 486-2023-00489. 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.

#### K. ADJOURNMENT.

- L. 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 <https://www.kauai.gov/Government/Council/Public-Hearing-Notices-Minutes>.
  1. Bill No. 2910 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RECOVERY OF RESCUE EXPENSES