

**COUNTY COUNCIL**

Mel Rapozo, Chair  
KipuKai Kualii, Vice Chair  
Addison Bulosan  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Ross Kagawa



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Lyndon M. Yoshioka, Deputy County Clerk


Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
Email: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

**MEMORANDUM**

December 11, 2023

**TO:** Derek S.K. Kawakami, Mayor

**FROM:** Mel Rapozo, Council Chair 

**RE: DECEMBER 6, 2023 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its December 6, 2023 Council Meeting:

**CONSENT CALENDAR:**

C 2023-242 Communication (10/24/2023) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua'i:

- a. Board of Ethics
  - Ryan de la Pena – Term ending 12/31/2026
- b. Board of Review
  - Stella Fujita – Term ending 12/31/2026
- c. Charter Review Commission
  - Coty Trugillo – Term ending 12/31/2026
- d. Civil Service Commission
  - Jeffrey S. Iida – Term ending 12/31/2026
- e. Cost Control Commission
  - Andre N. Lister – Term ending 12/31/2026
  - Paul A. Pancho – Term ending 12/31/2026

f. Liquor Control Commission

- Lorna A. Nishimitsu – Term ending 12/31/2026
- Tess Shimabukuro – Term ending 12/31/2026

g. Planning Commission

- Gerald T. Ako (*Labor*) – Term ending 12/31/2026
- Helen A. Cox (*Environmental*) – Term ending 12/31/2026

h. Police Commission

- Mary Kay Hertog – Term ending 12/31/2026
  - Walton D.Y. Hong – Term ending 12/31/2026
- (Received for the Record.)***

C 2023-243 Communication (11/06/2023) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointments to various Boards and Commissions for the County of Kaua'i:

a. Kaua'i Historic Preservation Commission

- Lee S. Gately (*At-Large*) – Term ending 12/31/2026

b. Public Access, Open Space, Natural Resources Preservation Fund Commission

- William Kinney (*Anahola to Hā'ena*) – Term ending 12/31/2026
  - Mai Shintani (*At-Large*) – Term ending 12/31/2026
- (Received for the Record.)***

COMMUNICATIONS:

C 2023-244 Communication (11/07/2023) from the Fire Chief, transmitting for Council consideration, A Bill For An Ordinance To Amend 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, for the purchase and delivery of one (1) of factory-made fire engine for the Kalāheo Fire Station. ***(Received for the Record.)***

C 2023-245 Communication (11/09/2023) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$780,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of state and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives. This grant has a three-year performance period with no cost-share requirement. ***(Approved.)***

C 2023-246 Communication (11/13/2023) from the Fire Chief, requesting Council approval to receive, accept, and expend State funds, in the amount of \$580,000.00, from the State Legislature, which will be used for Water Safety Officer positions and equipment including vehicles and lifeguard towers at Kē'e Beach, Hā'ena State Park, from July 1, 2023 through June 30, 2024. **(Approved.)**

C 2023-247 Communication (11/15/2023) from the Housing Director, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and are no longer of use or value, and includes Finance and Accounting records, which have been retained more than seven (7) years, and Section 8 Housing Choice Voucher Program records, which have been retained for at least three (3) years. **(Approved.)**

C 2023-248 Communication (11/21/2023) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 for Special Counsel's continued services to represent the County of Kaua'i in condemnation proceedings entitled County of Kaua'i vs. B & D Properties, LLC et al., Civil No. 5CCV-22-000013, Fifth Circuit Court, State of Hawai'i. **(Approved.)**

C 2023-249 Communication (11/21/2023) from the Executive on Transportation, requesting Council approval to purchase six (6) non-budgeted buses with Federal Transit Administration (FTA) Section 5311 American Rescue Plan Act (ARPA) funds. These buses are beyond the thirteen (13) originally budgeted for and included in the County's Statement of Equipment Purchases for Fiscal Year (FY) 2023-2024. The Transportation Agency was provided additional funds to purchase these additional vehicles without requesting any additional County funds. **(Approved.)**

C 2023-250 Communication (11/22/2023) from the Deputy Director of Planning, requesting Council approval to apply for, receive, and expend National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management (CZM) Habitat Protection and Restoration Bipartisan Infrastructure Law (BIL) Competition Grant funds in the amount of \$409,500.00, and to indemnify the State of Hawai'i, to be used for Habitat Restoration Planning, Engineering, and Design for the Historic Salt Pans at Hanapēpē, Kaua'i, Hawai'i. The project aims to develop and implement immediate design solutions to projected coastal impacts, such as dune restoration and other mitigative measures, and identify long-term solutions to preserve the hydrogeologically unique, historically significant, and actively cultivated *wahi pana*. **(Approved.)**

C 2023-251 Communication (11/22/2023) from the Deputy Director of Planning, requesting Council approval to apply for, receive, and expend National Oceanic and Atmospheric Administration (NOAA) Climate Resiliency Regional Challenge Grant funds in the amount of \$1,068,510.00, and to indemnify NOAA, to establish a Climate-Resilient Kaua'i Collaborative with three (3) staff over a three-year period. The objective of the program is to build partnerships, engage stakeholders, secure funding, and empower coastal communities with the knowledge needed to adapt in the face of climate change. **(Approved.)**

C 2023-252 Communication (11/24/2023) from the Director of Parks & Recreation, requesting Council approval to accept donations from The Hanalei Initiative, a 501(c)(3) not-for-profit corporation, of a public playground adjacent to the Hanalei Neighborhood Center, valued at \$112,026.49, and a basketball court at Waioli Town Park, which includes resurfacing and new backboards, valued at \$97,131.36. ***(Approved with thank-you letter to follow.)***

C 2023-253 Communication (11/30/2023) from the County Engineer, requesting Council approval of indemnification and other terms and conditions for an emergency rental of a bulldozer from Hawthorne Pacific Corp., to complete required daily tasks for proper refuse management while the Kekaha Landfill's CAT D8 bulldozer is repaired. ***(Approved.)***

**LEGAL DOCUMENT:**

C 2023-254 Communication (11/24/2023) from the Managing Director, requesting Council acceptance and approval of a Dedication Deed, from Alexander & Baldwin, LLC to the County of Kaua'i, land donation of the parcel, including the viewing platform and the blowhole known as Spouting Horn, located at Tax Map Key (TMK) No. (4) 2-6-003-019:

- Dedication Deed ***(Approved.)***

**CLAIMS:**

C 2023-255 Communication (11/14/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Brad P. Candido, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2023-256 Communication (11/20/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Electrical Contractors Hawai'i, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2023-257 Communication (11/27/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jason Matsumoto, for vehicle damage and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

**COMMITTEE REPORT: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2023-67 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (Ryan de la Pena) ***(Approved.)***

Resolution No. 2023-68 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Stella Fujita*) **(Approved.)**

Resolution No. 2023-69 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Coty Trugillo*) **(Approved.)**

Resolution No. 2023-70 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*) **(Approved.)**

Resolution No. 2023-71 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Andre N. Lister*) **(Approved.)**

Resolution No. 2023-72 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Paul A. Pancho*) **(Approved.)**

Resolution No. 2023-73 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Lorna A. Nishimitsu*) **(Approved.)**

Resolution No. 2023-74 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Tess Shimabukuro*) **(Approved.)**

Resolution No. 2023-75 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Gerald T. Ako – Labor*) **(Approved.)**

Resolution No. 2023-76 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox – Environmentalist*) **(Approved.)**

Resolution No. 2023-77 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Mary Kay Hertog*) **(Approved.)**

Resolution No. 2023-78 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Walton D.Y. Hong*) **(Approved.)**

Resolution No. 2023-79 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Lee S. Gately – At-Large*) **(Approved.)**

Resolution No. 2023-80 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*William Kinney – Anahola to Hā'ena*) **(Approved.)**

Resolution No. 2023-81 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Mai Shintani – At-Large*) **(Approved.)**

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2911) – 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 (*Fire Engine #5, Kalāheo Replacement - \$1,000,000.00*) **(Approved on 1<sup>st</sup> Reading, Public Hearing scheduled for January 18, 2024, and referred to the Finance & Economic Development Committee.)**

BILL FOR SECOND READING:

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 **(Approved.)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via Email*)  
KCT CCs (*Via Email*)  
Council Services Staff (*Via Email*)