

KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
THURSDAY, JANUARY 18, 2024
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201, LIHU'E, KAUA'I, HAWAI'I 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.
- **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, 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 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. December 6, 2023 Council Meeting
2. December 20, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2024-01](#) Communication (11/28/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Chad K. Pacheco to the Liquor Control Commission – Term ending 12/31/2025. (***See Resolution No. 2024-01***)
2. [C 2024-02](#) Communication (12/15/2023) from the County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Wailua WWTP Improvements Phase II, Project No. C150055-08. (***See Resolution No. 2024-02***)
3. [C 2024-03](#) Communication (12/18/2023) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee for Calendar Year 2024, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2024-03***)
4. [C 2024-04](#) Communication (01/04/2024) from Charles A. Foster, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from October 1, 2023 through December 31, 2023.
5. [C 2024-05](#) Communication (01/05/2024) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2023-2024, pursuant to Section 22 of Ordinance No. B-2023-891, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2023-2024.
6. [C 2024-06](#) Communication (01/05/2024) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Urging The Hawai'i State Legislature To Expressly Authorize Counties To Amortize Nonconforming Single-Family Transient Vacation Rentals (TVRs). (***See Resolution No. 2024-04***)

F. COMMUNICATIONS:

- 1. [C 2024-07](#) Communication (12/14/2023) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide a briefing regarding the American Rescue Plan Act (ARPA) and all related COVID-19 funds, including a breakdown of funding received, an itemization of all expenditures, the balance remaining, and plans to expend remaining funds.

- 2. [C 2024-08](#) Communication (12/21/2023) from the Fire Chief, requesting Council approval of the provisions in the Hangar Facilities Lease Agreement with the State of Hawai'i, Department of Transportation, and to indemnify the State of Hawai'i, to designate an optimal and mutually agreed upon site for the placement of an aircraft storage hangar intended for the Kaua'i Fire Department helicopter.

- 3. [C 2024-09](#) Communication (12/26/2023) from the Emergency Management Administrator, requesting Council approval to receive reimbursements from the State of Hawai'i Emergency Management Agency (HI-EMA) under the Addendum to Act 095 – Intrastate Mutual Aid System agreement, dated October 27, 2023, for expenses incurred as a result of extending aid and assistance to Maui, regarding FEMA-DR-4724-HI.

- 4. [C 2024-10](#) Communication (12/26/2023) from the Emergency Management Administrator, requesting Council approval to receive and expend funding awarded under the Federal Emergency Management Agency's (FEMA's) Hazard Mitigation Grant Program (HMGP DR-4549-02-02R) for Phase I of the Hanalei Hill Emergency Access Road project, in the amount of \$65,540.70.

- 5. [C 2024-11](#) Communication (01/02/2024) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$47,520.00, to support funding for the continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor for January through May 2024.

6. [C 2024-12](#) Communication (01/10/2024) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide an update on the Ka Lei Momi Kapa'a Housing Project.

G. CLAIMS:

1. [C 2024-13](#) Communication (12/11/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Carol Kimura, for damage to her property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2024-14](#) Communication (12/19/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by M. Andrea Alfiler, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2024-15](#) Communication (12/21/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Shantel Duarte, for personal injury to her child, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2024-16](#) Communication (12/22/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tyler Carr, for personal injuries and medical expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2024-01:** on PWVS 2024-01 Communication (11/30/2023) from Councilmember Kagawa, requesting the presence of the County Engineer, the State Department of Land and Natural Resources (DLNR), and Kaua'i Island Utility Cooperative (KIUC) to provide a briefing regarding Awawa Road in Hanapēpē Valley including overgrown road shoulders and trees entangled in electrical wires.
[Received for the Record.]

- b. **CR-PWVS 2024-02:** on PWVS 2024-02 Communication (12/13/2023) from Councilmember Cowden, requesting the presence of the County Engineer and the Environmental Services Manager, to provide a briefing regarding the plan to address the stipulations imposed by the Board of Land and Natural Resources (BLNR) for the upcoming landfill extension. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE

- a. **CR-COW 2024-01:** on COW 2024-01 Communication (10/30/2023) from Council Chair Rapozo, requesting the presence of Kirk K. Deitschman, Makai Watch Coordinator, State of Hawai'i Department of Land and Natural Resources, Division of Conservation and Resources Enforcement, and Makaala Ka'aumoana, Executive Director, Hanalei Watershed Hui, to provide a briefing on the State of Hawai'i Department of Land and Natural Resources' Makai Watch program and participating community programs on Kaua'i. **[Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2024-01](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Chad K. Pacheco*)
2. [Resolution No. 2024-02](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAILUA WWTP IMPROVEMENTS PHASE II, PROJECT NO. C150055-08

3. [Resolution No. 2024-03](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR CALENDAR YEAR 2024

4. [Resolution No. 2024-04](#) – RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO EXPRESSLY AUTHORIZE COUNTIES TO AMORTIZE NONCONFORMING SINGLE-FAMILY TRANSIENT VACATION RENTALS (TVRs)

J. 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-1114 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 and request for settlement authority in the case of Paul Applegate vs. County of Kaua'i, et al., Case No. CV21-00364 (United States District Court for the District of Hawai'i), 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-1115 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 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-1116 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 deliberate and decide on Chief of Police, Todd Raybuck's request for reimbursement of attorneys' fees from Applegate vs. County of Kaua'i et al., Case No. CV21-00364. 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. 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*)