

**KAUA'I COUNTY COUNCIL**  
**MEETING NOTICE AND AGENDA**  
**WEDNESDAY, JANUARY 31, 2024**  
**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. January 18, 2024 Public Hearing re: Bill No. 2911
2. January 18, 2024 Special Emergency Council Meeting

E. CONSENT CALENDAR:

1. [C 2024-18](#) Communication (01/11/2024) from Councilmember Cowden, transmitting for Council consideration, a Resolution Establishing One-Way Traffic On Ho'onā Road, Kōloa District, County Of Kaua'i. **(See Resolution No. 2024-05)**
2. [C 2024-19](#) Communication (01/17/2024) from Councilmember Kagawa, transmitting for Council consideration, a Resolution Urging The Hawai'i State Legislature And The Hawai'i Department Of Health To Create Subsidies And Amended Rules For Cesspool Conversions And Related Building Requirements. **(See Resolution No. 2024-06)**
3. [C 2024-20](#) Communication (01/23/2024) from the Planning Director, transmitting for Council consideration, a Resolution Supporting The Approval Of The Ka Lei Momi Kapa'a Affordable Housing Project Pursuant To The Third Proclamation Relating To Affordable Housing Issued By The Governor Of The State Of Hawai'i. **(See Resolution No. 2024-07)**

F. COMMUNICATIONS:

1. [C 2024-21](#) Communication (01/10/2024) from the Chief of Police, requesting Council approval of the indemnification provision contained in the Magnet Forensics' End User License Agreement, to allow the Kaua'i Police Department (KPD) authorized software use and access to Magnet Forensics' digital forensics software updates.
2. [C 2024-22](#) Communication (01/12/2024) from the Emergency Management Administrator, requesting Council approval to receive and expend United States Department of Homeland Security (DHS) grant funds, via the State of Hawai'i Department of Defense – Hawai'i Emergency Management Agency (HI-EMA), in the amount of \$150,000.00 with a 50% cost-match, for the Fiscal Year 2023 Emergency Management Performance Grant, which will support an existing Kaua'i Emergency Management Agency (KEMA) staff position (Emergency Management Staff Specialist), which supports day-to-day prevention, protection, mitigation, response, and recovery activities.

3. [C 2024-23](#) Communication (01/17/2024) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds for the Domestic Violence Prosecution Unit for Fiscal Year 2023 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$50,379.00, and to indemnify the State of Hawai'i Department of the Attorney General, to support a 0.65 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and supplies, for the anticipated period of June 1, 2024 to January 31, 2025.
4. [C 2024-24](#) Communication (01/18/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$174,098.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2024. This award is through September 30, 2025.
5. [C 2024-25](#) Communication (01/19/2024) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide a briefing regarding Ordinance No. B-2023-892, relating to Capital Improvements and financing thereof for the Fiscal Year July 1, 2023 to June 30, 2024, including an update on project timelines and progress.
6. [C 2024-26](#) Communication (01/23/2024) from the Prosecuting Attorney, requesting Council approval to lease office space located at 4331 Rice Street, Līhu'e, Hawai'i 96766, for a minimum of three (3) years effective March 1, 2024 to March 31, 2027, using unexpended Department budget funds up to the amount of \$150,000.00. The space will house a minimum of three (3) staff members and support the E Ho'i I Ka Piko Program and Life's Choices.

#### G. CLAIMS:

1. [C 2024-27](#) Communication (01/08/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Wenjiu Liu, for wrongful arrest and malicious prosecution, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2024-28](#) Communication (01/08/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William K.A. Rodrigues-Kaiwa, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2024-29](#) Communication (01/18/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Nancy Vail, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### H. COMMITTEE REPORTS:

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

- a. **CR-PRT 2024-01:** on PRT 2024-01 Communication (11/27/2023) from Councilmember Kagawa, requesting the presence of the Director of Parks & Recreation and Jeremiah G. Aguilera, Kaua'i District Manager, State of Hawai'i Department of Land and Natural Resources, Division of Boating and Ocean Recreation, to provide a briefing regarding small boat harbors and boat ramps, including but not limited to rules and enforcement, including maximum time allowed per boat for launching and returns, and whether a limit should be placed on the number of Nā Pali sightseeing tours to prevent environmental damage and manage tourism impacts. **[Received for the Record.]**

##### 2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2024-01:** on 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 KAUA'I, 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.]**

**3. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2024-02:** on COW 2024-01 Communication (01/05/2024) from Council Chair Rapozo, requesting the presence of Kirby L. Shaw, Executive Director, Disability Communication Access Board (DCAB), to provide a briefing/training regarding the Disability Communication Access Board. **[Received for the Record.]**

**I. RESOLUTIONS:**

1. [Resolution No. 2024-05](#) – RESOLUTION ESTABLISHING ONE-WAY TRAFFIC ON HO'ONĀ ROAD, KOLOA DISTRICT, COUNTY OF KAUAI

2. [Resolution No. 2024-06](#) – RESOLUTION URGING THE HAWAII STATE LEGISLATURE AND THE HAWAII DEPARTMENT OF HEALTH TO CREATE SUBSIDIES AND AMENDED RULES FOR CESSPOOL CONVERSIONS AND RELATED BUILDING REQUIREMENTS

3. [Resolution No. 2024-07](#) – RESOLUTION SUPPORTING THE APPROVAL OF THE KA LEI MOMI KAPA'A AFFORDABLE HOUSING PROJECT PURSUANT TO THE THIRD PROCLAMATION RELATING TO AFFORDABLE HOUSING ISSUED BY THE GOVERNOR OF THE STATE OF HAWAII

**J. BILL FOR SECOND READING:**

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*) (*See also CR-FED 2024-01; the Finance & Economic Development Committee recommended approval on second and final reading.*)

**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.)*

**L. ADJOURNMENT.**