

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, FEBRUARY 28, 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; 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. CONSENT CALENDAR:

1. [C 2024-40](#) Communication (01/22/2024) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the Fire Commission for the County of Kauaʻi:
 - a. Lorilee L. Almarza – Term ending 12/31/2026
 - b. Jeffrey A. Murray – Term ending 12/31/2026
(See Resolution No. 2024-08 and Resolution No. 2024-09)
2. [C 2024-41](#) Communication (01/26/2024) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Robert B. Crowell to the Civil Service Commission – Term ending 12/31/2025. **(See Resolution No. 2024-10)**
3. [C 2024-42](#) Communication (02/05/2024) from the County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kauaʻi To Enter Into An Intergovernmental Agreement With The State Of Hawaiʻi, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Wailua SPS #3 Rehabilitation, Project No. C150055-06. **(See Resolution No. 2024-11)**
4. [C 2024-43](#) Communication (02/16/2024) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Urging The 2024 Hawaiʻi State Legislature To Oppose Senate Bill 3335, Senate Draft 1, Relating To Cannabis. **(See Resolution No. 2024-12)**

E. COMMUNICATIONS:

1. [C 2024-44](#) Communication (02/05/2024) from the Housing Director, requesting Council approval to accept a donation from the Affordable Housing Coalition of Kauaʻi, a Hawaiʻi nonprofit, of up to \$90,000.00, to be used for the purposes laid out in Kauaʻi County Code Section 6, Article 9 (Housing Development Fund) such as the development of housing units, the acquisition of land for affordable housing development, and the administration of the County's limited equity leasehold program.
2. [C 2024-45](#) Communication (02/08/2024) from Councilmember Kagawa, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Article 3, Section 19-3.2, Kauaʻi County Code 1987, As Amended, Relating to Playing Fees At The Wailua Golf Course, reducing the playing fees during Twilight hours. **(See Proposed Draft Bill (No. 2913))**

3. [C 2024-46](#) Communication (02/09/2024) from the Fire Chief, requesting Council approval to purchase non-budgeted equipment of a two thousand (2,000) gallon Water Tender Wildland Firefighting Apparatus from Account No. 001-1102-566.05-03 in the amount of \$500,000.00, to enhance the Kaua'i Fire Department's capabilities in responding to Wildfire Mitigation efforts and marks the second step in achieving a goal of strategically situating three (3) Water Tenders across the island geographically.
4. [C 2024-47](#) Communication (02/12/2024) from the Housing Director, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 7A, Article 9, Kaua'i County Code 1987, As Amended, Relating To Government Assistance For Workforce Housing, adding a new subsection to implement a Residential Workforce Housing Credit System, providing a new non-governmental source of financing for affordable housing while simultaneously providing additional pathways to generate market rate housing more quickly. **(See Proposed Draft Bill (No. 2914))**
5. [C 2024-48](#) Communication (02/12/2024) from the Housing Director, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 7A, Article 5, Kaua'i County Code 1987, As Amended, Relating To Housing Eligibility And Selection, by adding provisions authorizing the Housing Agency to approve the use of various preferences to prioritize amongst otherwise eligible Home-buyer list participants. **(See Proposed Draft Bill (No. 2915))**
6. [C 2024-49](#) Communication (02/12/2024) from the Director of the Department of Human Resources, requesting Council approval of the indemnification provisions contained in the Cooperative Personnel Services (CPS) HR Consulting's Test Rental and Use Agreement, to be used for development of civil service promotional tests.
7. [C 2024-50](#) Communication (02/16/2024) from Council Chair Rapozo, requesting the presence of Tyler Kimura, Partner, Spire Hawai'i, LLP., to provide an overview of the work and findings as it relates to the performance audit conducted on the County's Disaster Related Procurement.

F. CLAIMS:

1. [C 2024-51](#) Communication (02/05/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sunny Akaji, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2024-52](#) Communication (02/13/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ashley Conner, for damages relating to the emotional distress of her child, pursuant to Section 23.06, Charter of the County of Kaua'i.

G. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-03:** on 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. **[Received for the Record.]**

H. RESOLUTIONS:

1. [Resolution No. 2024-08](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Lorilee L. Almarza*)
2. [Resolution No. 2024-09](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Jeffrey A. Murray*)
3. [Resolution No. 2024-10](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Robert B. Crowell*)
4. [Resolution No. 2024-11](#) – 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 SEWAGE PUMP STATION (SPS) #3 REHABILITATION, PROJECT NO. C150055-06
5. [Resolution No. 2024-12](#) – RESOLUTION URGING THE 2024 HAWAII STATE LEGISLATURE TO OPPOSE SENATE BILL 3335, SENATE DRAFT 1, RELATING TO CANNABIS

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2913\)](#) – 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 \(No. 2914\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GOVERNMENT ASSISTANCE FOR WORKFORCE HOUSING

3. [Proposed Draft Bill \(No. 2915\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOUSING ELIGIBILITY AND SELECTION

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.)*

K. ADJOURNMENT.