

KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 13, 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 meeting of the Council:

1. February 16, 2024 Council Meeting

E. SPECIAL ORDER OF THE DAY:

1. [Resolution No. 2024-12, Draft 1](#) – RESOLUTION URGING THE 2024 HAWAII STATE LEGISLATURE TO OPPOSE SENATE BILL 3335, SENATE DRAFT 1, RELATING TO CANNABIS (*Pursuant to Council Rule No. 5(e); Council Absence, Tie Vote (Council Absence or Recusal).*)

F. COMMUNICATIONS:

1. [C 2024-33](#) Communication (02/01/2024) from the County Engineer, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value. (*List of various records to be disposed of on file in the Office of the County Clerk.*) (*See also CR-PWVS 2024-03; the March 6, 2024 Public Works & Veterans Services Committee recommended approval.*)
2. [C 2024-54](#) Communication (02/18/2024) 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 \$62,830.00, to support funding for the continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor, and to indemnify the Hawai'i Tourism Authority, from March through December 2024.
3. [C 2024-55](#) Communication (02/20/2024) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$236,881.00, and to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 22-V2-03 (Victim/Witness program) for the period July 1, 2024 through June 30, 2025.
4. [C 2024-56](#) Communication (02/21/2024) from the Chief of Police and Paul N. Applegate, Acting Assistant Chief, requesting Council approval of the indemnification and standard of care provisions contained in the Thales DIS USA, Inc.'s Professional Services Agreement, to be used to access the Hawai'i Law Enforcement Information Retrieval System (HLEIRS) which provides law enforcement with information that helps their investigations.

5. [C 2024-57](#) Communication (02/21/2024) from the Cost Control Commission, transmitting for Council information the County Cost Control Commission 2023 Annual Report, pursuant to Kaua'i County Charter Section 28.05.

6. [C 2024-58](#) Communication (02/22/2024) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$101,000.00, from the Fiscal Year 2022 Edward Byrne Memorial Justice Assistance Grant (JAG), to support a 0.50 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney who will work with the Kaua'i Police Department Vice Investigators and focus fifty percent (50%) of their time on methamphetamine and opioid focused prosecution, as well as fringe benefits and office supplies for this position for the anticipated period of July 1, 2024 to June 30, 2025.

7. [C 2024-59](#) Communication (02/23/2024) from the Deputy Director of Planning, requesting Council approval to receive and expend funds from the Federal Highway Administration (FHWA) and the Hawai'i State Department of Transportation (HDOT) in the amount of \$544,448.00, and to indemnify the State of Hawai'i, to establish a County Safe Routes to School Program and an Administrator. Funding will also be used for benefits, materials, supplies, and necessary travel expenses for a three-and-a-half-year period, with no local match needed.

G. CLAIMS:

1. [C 2024-60](#) Communication (02/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by the Estate of Debra Judy McLeod Figuerres and Donald Lindsey by its Personal Representative Stacey Palomar, for loss of life and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2024-61](#) Communication (02/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by the Estate of Paul S. Carvalho by its Personal Representative Germaine Solano, for personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:**a. CR-PWVS 2024-03:** on C 2024-33

Communication (02/01/2024) from the County Engineer, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value. (*List of various records to be disposed of on file in the Office of the County Clerk.*)
[Approved.]

b. CR-PWVS 2024-04: on PWVS 2024-03

Communication (02/01/2024) from Council Chair Rapozo, requesting the presence of the County Engineer and Kali Watson, Chairman, Department of Hawaiian Home Lands, Hawaiian Homes Commission, to provide an update on the status of the improvements to the Wailua Wastewater Treatment Plant (WWTP) and the Administration's future plans to relocate the WWTP. **[Received for the Record.]**

2. PLANNING COMMITTEE:**a. CR-PL 2024-01:** on PL 2024-01

Communication (01/31/2024) from Councilmember Cowden, requesting the presence of Leimana K. DaMate, Executive Director, and Leialoha "Rocky" Kaluhiwa, State Chair, Hawai'i State Aha Moku, to provide a briefing relating to the Ka Pa'akai Analysis. **[Received for the Record.]**

I. 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.)*

J. ADJOURNMENT.

K. 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. 2912](#) – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE