

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, APRIL 24, 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 for 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. Emails are due no later than 12:00 Noon the business 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. March 13, 2024 Council Meeting
2. March 27, 2024 Council Meeting

E. CONSENT CALENDAR:

1. [C 2024-85](#) Communication (04/01/2024) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee La'akea Chun to the Charter Review Commission – Term ending 12/31/2026. (***See Resolution No. 2024-17***)
2. [C 2024-86](#) Communication (04/04/2024) from Kimberly Torigoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2024 through March 31, 2024.
3. [C 2024-87](#) Communication (04/10/2024) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's Fiscal Year 2025 Proposed Operating Budget, pursuant to Section 18 of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2024-18***)

F. COMMUNICATIONS:

1. [C 2024-88](#) Communication (04/02/2024) from the Emergency Management Administrator, 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.*)
2. [C 2024-89](#) Communication (04/02/2024) from the Emergency Management Administrator, requesting Council approval to accept a donation from the Hawai'i Emergency Management Agency (HI-EMA), of four (4) 5500W, one (1) 6200W, and twenty-three (23) 3500W generators, valued at \$22,213.47, to be distributed to various County of Kaua'i Departments to include the Kaua'i Fire Department (KFD), the Kaua'i Police Department (KPD), the Housing Agency, the Department of Parks & Recreation, and various other departments as available.

3. [C 2024-90](#) Communication (04/02/2024) from the Emergency Management Administrator, requesting Council approval to receive and expend recurring Federal funds, in the amount of \$4,000.00, from the Fiscal Year 2023 Emergency Management Performance Grant Supplemental award (EMPG-S), which will support procurement of Adobe software or similar licenses for the Kauai Emergency Management Agency, and strengthens capabilities to address all hazards.
4. [C 2024-91](#) Communication (04/08/2024) from the County Attorney, requesting Council approval of the indemnification provision in the CBIZ Valuation Group proposal for appraisal services, in preparation for the next insurance renewal period, to allow the Risk Management Section to appraise forty-five (45) County of Kaua'i facilities valued at \$1,000,000.00 or more to update replacement costs for these facilities, securing better insurance premium costs.
5. [C 2024-92](#) Communication (04/09/2024) from the Chief of Police, requesting Council approval of the indemnification provisions in the Power Document Management System (DMS) service agreement, to utilize essential functions such as training, policy review, and accreditation. PowerDMS is the exclusive provider for the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation management.
6. [C 2024-93](#) Communication (04/09/2024) from the Housing Director, requesting Council approval to perform the following:
 - a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 3034 Po'ipū Road, Kōloa, Hawai'i, 96756, Tax Map Key (TMK): (4) 2-6-004-051-0000, for a purchase price of not more than \$775,000.00, based on the fee simple market appraisal, which will be obtained through this transaction;
 - b. Resale by leasehold of 3034 Po'ipū Road, Kōloa, Hawai'i, 96756, for not more than the leasehold market appraisal, which will be obtained as part of this transaction; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

7. [C 2024-94](#) Communication (04/12/2024) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend United States Department of Energy Office of State and Community Energy Block Grant (EECBG) Formula Funds Program, in the amount of \$77,540.00, to be used for the program's voucher route and to apply for an Equipment Rebate to install Level 2 Electric Vehicle (EV) charging stations at the new Lima Ola Affordable Housing site in 'Ele'ele. Remaining funds will be used to install County fleet Level 2 charging stations, replacing broken units and expanding fleet charging to meet newly purchased electric vehicle needs and for energy efficient upgrades in County facilities.

G. CLAIM:

1. [C 2024-95](#) Communication (04/09/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jaime Kain, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2024-06:** on PWVS 2024-05 Communication (03/11/2024) from Council Chair Rapozo, requesting the presence of the County Engineer to provide a briefing regarding plans to implement sewer service to Kaua'i communities. **[Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2024-17](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*La'akea Chun*)
2. [Resolution No. 2024-18](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2024-2025 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

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-1121 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.
2. ES-1122 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 with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Madolyn Davis. 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-1123 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 with the Council, to provide the Council with a briefing and request authority for a possible settlement proposal in a claim filed by Tyler Carr. 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.
4. ES-1124 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 with the Council to provide the Council with a briefing and request for settlement authority regarding Victorino Gano's real property tax claim 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.

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. 2918](#) – A BILL FOR AN ORDINANCE AMENDING SECTIONS 5A-1.1 AND 5A-11.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX
 2. [Bill No. 2920](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, SECTION 5-2.6 KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BEAUTIFICATION FEES