

KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 15, 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 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. April 10, 2024 Council Meeting
2. April 24, 2024 Council Meeting
3. April 24, 2024 Public Hearing re: Bill No. 2918 and Bill No. 2920

E. CONSENT CALENDAR:

1. [C 2024-97](#) Communication (05/01/2024) from the Director of Human Resources, transmitting for Council information, the May 1, 2024 Human Resources Report (Vacancy Report and Recruitment Status Report), pursuant to Section 24 of Ordinance No. B-2023-891, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2023-2024.

F. COMMUNICATIONS:

1. [C 2024-98](#) Communication (04/02/2024) from Councilmember Bulosan, requesting the presence of Yvette Amshoff, Public Health Lecturer, Waimea High School, to provide a briefing regarding Waimea High School cafeteria lunches.
2. [C 2024-99](#) Communication (04/12/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$156,685.00, 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.
3. [C 2024-100](#) Communication (04/15/2024) from the Managing Director, transmitting for Council consideration, a proposed Emergency Ordinance to fund emergency expenditures in the amount \$2,000,000.00 caused by the heavy rains and severe flooding which started on April 11, 2024. (***See Proposed Draft Bill (No. 2921)***)
4. [C 2024-101](#) Communication (04/15/2024) from the Director of Finance, requesting Council approval of the acceptance of terms and conditions from the Bluefin PayConex payment gateway, to process credit card transactions associated with various services rendered by the Kaua'i Police Department (KPD), the Department of Motor Vehicles (DMV), Driver's License and other departments that collect payments of fees.

5. [C 2024-102](#) Communication (04/18/2024) from the Director of Economic Development, requesting Council approval of the indemnification provisions contained in the United States Department of Energy Office of State and Community Energy Programs terms and conditions, for the Energy Efficiency and Conservation Block Grant (EECBG) Formula Funds Program.

6. [C 2024-103](#) Communication (04/30/2024) from Council Chair Rapozo, requesting the presence of the Department of Water Manager & Chief Engineer to provide a briefing on the Kaua'i Water Use and Development Plan (KWUDP), including the revisions to the 2023 version of the KWUDP and any other recent revisions.

7. [C 2024-104](#) Communication (04/30/2024) from the Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Refreshment Concessions And Intoxicating Liquor In Parks Facilities, to allow the sale, possession, and consumption of intoxicating liquor under specified circumstances and in specified places at the Wailua Golf Course, and to allow the sale of intoxicating liquor under specified circumstances at County stadium facilities. ***(See Proposed Draft Bill (No. 2922))***

G. CLAIMS:

1. [C 2024-105](#) Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Christopher Monterrosa, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2024-106](#) Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Elliott Ke, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2024-107](#) Communication (04/29/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sally French, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2024-108](#) Communication (05/06/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by 21st Century Centennial Insurance Company as subrogee of Jamie Kain, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-04:** on COW 2024-04 Communication (04/25/2024) from Council Chair Rapozo, requesting the presence of the Managing Director and Emergency Management Administrator, to provide a briefing on the service provided by FirstNet. **[Received for the Record.]**

- b. **CR-COW 2024-05:** on 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 **[Approved.]**

- c. **CR-COW 2024-06:** on 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 **[Approved.]**

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2921\)](#) – AN EMERGENCY 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, FOR THE PURPOSES OF FUNDING EMERGENCY EXPENDITURES CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 11, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND

2. [Proposed Draft Bill \(No. 2922\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REFRESHMENT CONCESSIONS AND INTOXICATING LIQUOR IN PARKS FACILITIES

J. BILLS FOR SECOND READING:

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 (*See also CR-COW 2024-05; the Committee of the Whole recommended approval on second and final reading.*)

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 (*See also CR-COW 2024-06; the Committee of the Whole 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.)*

1. ES-1125 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 the lawsuit filed by Shelby and Steven Bazil. 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-1126 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 on the pending lawsuit: Aaron Swink, as Next Friend on behalf of J.R.P., a minor born 2017 v. County of Kauai. 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.

L. ADJOURNMENT.