

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, JUNE 12, 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. May 15, 2024 Council Meeting
2. May 22, 2024 Public Hearing re: C 2024-96

E. CONSENT CALENDAR:

1. [C 2024-112](#) Communication (05/21/2024) from Jodi A. Higuchi Sayegusa, Clerk of the Public Access, Open Space, and Natural Resources Preservation Fund Commission, transmitting for Council information, the Public Access, Open Space, Natural Resources Preservation Fund Commission 2022-2023 Biennial Report, pursuant to Chapter 6, Article 14, of the Kauaʻi County Code. *(Copies of the 2022-2023 Biennial Report on file in the Office of the County Clerk.)*
2. [C 2024-113](#) Communication (05/28/2024) from the County Engineer, transmitting for Council consideration a Resolution Amending Resolution No. 2022-44, 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 ʻEleʻele Subdivision Collection System Rehabilitation, Project No. C150050-12 **(See Resolution No. 2024-19)**

F. COMMUNICATIONS:

1. [C 2024-114](#) Communication (05/17/2024) from the Mayor, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission's recommendation to request up to \$1,444,000.00 from the Public Access, Open Space, Natural Resources Preservation Fund for acquisition of two (2) Hanapēpē parcels at Tax Map Key (TMK) Nos. (4) 1-8-008:065 and (4) 1-8-008:071. *(Copies of the Planning Department's Final Report, Draft Public Access, Open Spaces, Natural Resources Preservation Fund Commission Meeting Minutes dated May 16, 2024, and draft bills that would amend the 2024-2025 budget for the purpose of acquisition, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2923) and Proposed Draft Bill (No. 2924))*

2. [C 2024-115](#) Communication (05/24/2024) from the County Engineer, requesting Council approval to accept a donation from the Department of Hawaiian Home Lands, in the total approximate value of \$260,000.00 of two (2) trailer-mounted pumps, to provide backup pumping capacity or to provide redundancy at the County's Sewer Pump Stations servicing the Hanapēpē and 'Ele'ele area.
3. [C 2024-116](#) Communication (05/28/2024) from the County Engineer, requesting Council approval of the indemnification provisions contained in the Autodesk Terms of Use, which provides software products and services for the architecture, engineering, and construction industries.
4. [C 2024-117](#) Communication (05/30/2024) from the County Attorney, requesting authorization to expend additional funds up to \$200,000.00 for Special Counsel's continued services to represent the County of Kaua'i in employment related matters. The representation will include cases in federal court, the state courts, administrative contested cases, agency hearings, and arbitrations.
5. [C 2024-118](#) Communication (05/30/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the third allotment in the amount of \$8,123.00, Fiscal Year 2024, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.
6. [C 2024-119](#) Communication (05/31/2024) from the County Attorney, requesting authorization to expend funds up to \$150,000.00 to retain Special Counsel to represent the County of Kaua'i in enforcement of the Comprehensive Zoning Ordinance as it relates to transient accommodations.
7. [C 2024-120](#) Communication (06/04/2024) from the County Engineer, requesting Council approval of the indemnification provisions contained in the Bluebeam's General Terms and Conditions of Use, which provides highly customizable document management, markup, and automation tools with a built-in collaboration space, and helps engineers get actionable data insights and standardize communication across the project lifecycle.

G. LEGAL DOCUMENTS:

1. [C 2024-121](#) Communication (05/16/2024) from the Deputy County Engineer, recommending Council approval of a Dedication Deed, from BBCP Kukui'ula Infrastructure, LLC to the County of Kaua'i, for land dedicated for public beach parking in the Boyden's Pond area, pursuant to Ordinance No. PM-2004-370, located at Tax Map Key (TMK) No. (4) 2-6-019-028.
 - Dedication Deed

2. [C 2024-122](#) Communication (05/29/2024) from the Housing Director, recommending Council approval of a Grant of Easement made by and between the County of Kaua'i and the Board of Water Supply of Tax Map Key (TMK) No. (4) 2-1-013:001, 'Ele'ele, Kaua'i, Hawai'i, for the Lima Ola Permanently Supportive Housing Project in Phase I of the Lima Ola Subdivision, along with the related indemnification provision contained therein, to read water meters and to construct, install, re-install, maintain, repair, and remove potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances within the easement area.
 - Grant of Easement

H. CLAIM:

1. [C 2024-123](#) Communication (05/20/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sixt Rent A Car, LLC, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-12:** on COW 2024-05 Communication (04/02/2024) from Councilmember DeCosta, requesting the presence of Wendy Gady, Executive Director, Agribusiness Development Corporation, the Department of Land and Natural Resources, and the Department of Hawaiian Home Lands, to provide a briefing relating to fire mitigation on their lands on the island of Kaua'i. **[Received for the Record.]**

J. RESOLUTION:

1. [Resolution No. 2024-19](#) – RESOLUTION AMENDING RESOLUTION NO. 2022-44, 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 ‘ELE‘ELE SUBDIVISION COLLECTION SYSTEM REHABILITATION, PROJECT NO. C150050-12

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2923\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2024-896 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

2. [Proposed Draft Bill \(No. 2924\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2024-897 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND—CIP

L. 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-1129 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 on Special Counsel’s continued services to represent the County of Kaua‘i in employment related matters. The 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-1130 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 to provide a briefing on the retention of Special Counsel to represent the County of Kaua'i in enforcement of the Comprehensive Zoning Ordinance as it relates to transient accommodations. The 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.

M. ADJOURNMENT.

- N. 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. 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. 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