

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, SEPTEMBER 20, 2023  
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](mailto: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](http://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](http://www.kauai.gov/Government/Council) following Council approval.
- **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](mailto: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. August 23, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-206](#) Communication (08/30/2023) from Council Chair Rapozo and Councilmember Carvalho, transmitting for Council consideration, a Resolution Supporting Efforts To Acquire The Courtyards At Waipouli And Preserve Long-Term Affordability. **(See Resolution No. 2023-58)**

2. [C 2023-207](#) Communication (08/31/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Urging Federal, State, And County Legislative And Administrative Leaders To Support Digital Inclusion Week. (***See Resolution No. 2023-59***)

#### F. COMMUNICATIONS:

1. [C 2023-175](#) Communication (07/25/2023) from Edwin H. Sniffen, Director of the State of Hawai'i Department of Transportation, Highways Division, requesting agenda time to present an update on the HiRUC project and to share details about Act 222, legislation enacted this year that implements a road usage charge for electric vehicles (EVs) beginning on July 1, 2025. (***Deferred on August 9, 2023***)
2. [C 2023-208](#) Communication (08/09/2023) from Council Chair Rapozo, requesting the presence of Ed Sniffen, Director of the State of Hawai'i Department of Transportation, Highways Division, to provide an update on pending projects relating to the following:
  - Islandwide traffic issues and what is being done to address the growing problem;
  - Tree trimming islandwide; and
  - The status of repair work to Port Allen Pier and Port Allen Small Boat Harbor, including the weaknesses/vulnerabilities of the pier and future plans to allow barge service to the pier.
3. [C 2023-209](#) Communication (08/29/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$40,486.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2023 Local Solicitation Grant, to support training for Deputy Prosecuting Attorneys and Kaua'i Police Department officers, and to purchase office supplies. The grant will cover expenses for the time period of October 1, 2022 through September 30, 2026.
4. [C 2023-210](#) Communication (08/31/2023) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$220,264.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network.

5. [C 2023-211](#) Communication (08/31/2023) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$671,220.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management services, adult day care, assisted transportation, homemaker services, Kūpuna care transportation, personal care, home-delivered meals, respite care, and caregiver support services.
6. [C 2023-212](#) Communication (09/05/2023) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$236.00 for the third allotment, of the Fiscal Year 2023 Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals (total amount of funds including the previous approved awards is \$36,833.00), and to indemnify the State Executive Office on Aging.
7. [C 2023-213](#) Communication (09/06/2023) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, requesting Council approval to receive and expend Federal funds, in the amount of \$632,791.52, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following four (4) primary traffic related functions: Traffic Records, Impaired Driving and Youth Deterrence, Selective Traffic Enforcement Program (STEP), and Occupant Protection, to include purchase of equipment, supplies, and travel expenses.
8. [C 2023-214](#) Communication (09/12/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend an amended total amount of \$222,628.00 from the State (originally submitted as Communication (08/11/2023) C 2023-195 requesting \$111,314.00 during the August 23, 2023 Council Meeting) for the Kaua'i Career Criminal Prosecution Program.

#### G. COMMITTEE REPORTS:

##### 1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2023-10:** on Bill No. 2901 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2024*) [**Approved as Amended.**]

- b. **CR-FED 2023-11:** on Bill No. 2903 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Long-Term Gap Housing Rental*) **[Received for the Record.]**
- c. **CR-FED 2023-12:** on Bill No. 2904 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Separated Married Persons*) **[Received for the Record.]**

#### H. RESOLUTIONS:

1. [Resolution No. 2023-58](#) – RESOLUTION SUPPORTING EFFORTS TO ACQUIRE THE COURTYARDS AT WAIPOULI AND PRESERVE LONG-TERM AFFORDABILITY
2. [Resolution No. 2023-59](#) – RESOLUTION URGING FEDERAL, STATE, AND COUNTY LEGISLATIVE AND ADMINISTRATIVE LEADERS TO SUPPORT DIGITAL INCLUSION WEEK

#### I. BILLS FOR SECOND READING:

1. [Bill No. 2901, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Reform Tax Year 2024*) (*See also CR-FED 2023-10; the Finance & Economic Development Committee recommended approval of Bill No. 2901, Draft 1 on second and final reading on September 13, 2023.*)
2. [Bill No. 2903](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Long-Term Gap Housing Rental*) (*See also CR-FED 2023-11; the Finance & Economic Development Committee recommended Bill No. 2903 be received for the record.*)
3. [Bill No. 2904](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Separated Married Persons*) (*See also CR-FED 2023-12; the Finance & Economic Development Committee recommended Bill No. 2904 be received for the record.*)

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-1104 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 in the matter of Alison Joan Sanchez v. County of Kaua'i, et al., Civil No. 10-1-0265 JKW (Fifth Circuit Court). This briefing and consultation involves the 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. 2906 – A BILL FOR AN 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, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (Constituent Staff Support - \$500,000)