

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 1, 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; 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 meetings of the Council:

1. September 20, 2023 Council Meeting
2. October 4, 2023 Council Meeting

E. CONSENT CALENDAR:

1. [C 2023-233](#) Communication (10/25/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Joining The State Legislature In Requesting The Department Of Education To Implement A Filipino History, Culture, And Identity Social Studies Course For High School Students. (***See Resolution No. 2023-65***)

F. COMMUNICATION:

1. [C 2023-234](#) Communication (10/20/2023) from the Chief of Police and Christian Jenkins, Lieutenant, requesting Council approval of the indemnification provision in the Contracted Guest Room Minimum, Cancellation Option, Indemnification and Holds Harmless, and Attorney Fees sections in the Grand Hyatt Kaua'i Resort & Spa Group Sales Agreement, for the Inter-County Criminal Intelligence Unit (ICCIU) Conference in 2024.

G. LEGAL DOCUMENT:

1. [C 2023-235](#) Communication (10/17/2023) from the County Engineer, recommending Council approval, of a Department of Water Waiver and Release Agreement and indemnification for Tax Map Key (TMK) No. (4) 3-5-001-167, Lihu'e, Kaua'i, Hawai'i, for a joint Police/Fire Training Facility.

- Waiver and Release Agreement

H. CLAIMS:

1. [C 2023-236](#) Communication (10/10/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Irvil Kapua, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2023-237](#) Communication (10/17/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Insurance Company as subrogee of Candice Teshima, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2023-238](#) Communication (10/19/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Benjinette P. Iwai, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PLANNING COMMITTEE:

- a. **CR-PL 2023-03:** on PL 2023-01 Communication (10/19/2023) from Committee Chair Carvalho, requesting the presence of the Planning Director, to provide an update on the 2023 Status Report regarding Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1, and Special Management Area Use permit SMA(U)-2015-6 at Tax Map Key (TMK) Nos. 4-1-003:004(por.), 005, 007, 011, and 017 and 4-1-005:014 and 017 (the "permits"), with approval conditions as set forth in letter dated December 31, 2018 from the Planning Commission of the County of Kaua'i (the "Conditions") with Coco Palms Hui LLC, as Applicant ("Applicant"). **[Received for the Record.]**

2. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2023-04:** on PSHS 2023-03 Communication (10/09/2023) from Committee Chair Cowden and Councilmember Bulosan, requesting the presence of the Emergency Management Administrator, the Fire Chief, and the Hawai'i Wildfire Management Organization to provide a briefing on community fire protection, outreach, planning, and emergency notifications. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2023-63](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE BOARD OF WATER SUPPLY ORGANIZATION (*Deferred October 18, 2023*)

2. [Resolution No. 2023-65](#) – RESOLUTION JOINING THE STATE LEGISLATURE IN REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A FILIPINO HISTORY, CULTURE, AND IDENTITY SOCIAL STUDIES COURSE FOR HIGH SCHOOL STUDENTS

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-1107 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 Henry Emura 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.
2. ES-1108 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 Charter Spectrum 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.
3. ES-1109 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 a follow-up 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.

L. ADJOURNMENT.

- M. 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. 2907](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE
 2. [Bill No. 2908](#) – 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 (*Additional Costs For Fiscal Year 2023 ACFR – \$61,400.00*)
 3. [Bill No. 2909](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR