

KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 27, 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. February 28, 2024 Council Meeting
2. March 7, 2024 Special Council Meeting
3. March 13, 2024 Public Hearing re: Bill No. 2912

E. CONSENT CALENDAR:

1. [C 2024-62](#) Communication (02/29/2024) from the Director of Finance, transmitting for Council information, the County of Kaua'i 2024 Real Property Assessment List pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended. *(2024 Real Property Assessment List on file in the Office of the County Clerk.)*
2. [C 2024-63](#) Communication (03/14/2024) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures which have been factored in with the existing real property tax rates, and based on the certified Real Property Assessment List for Fiscal Year 2025.
3. [C 2024-64](#) Communication (03/15/2024) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i And Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Residential Cesspool Conversion Program (County Of Kaua'i Residential Cesspool Conversion Program 1), Project No. RCC00KA-01. ***(See Resolution No. 2024-14)***
4. [C 2024-65](#) Communication (03/19/2024) from the Director of Human Resources, transmitting for Council information, the March 15, 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.
5. [C 2024-66](#) Communication (03/20/2024) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Repealing Resolution No. 2023-02 And Amending Resolution No. 2023-26 Relating To Adopting The Rules Of The Kaua'i County Council For The Organization Of Committees And The Transaction Of Business, amending Rule No. 13, Relating to Order and Decorum. ***(See Resolution No. 2024-15)***

F. COMMUNICATIONS:

1. [C 2024-67](#) Communication (02/26/2024) from the Chief of Police, Acting Assistant Chief Paul N. Applegate, Acting Captain Kennison L. Nagahisa, and Lieutenant Christian D. Jenkins, requesting Council approval to accept the terms contained in the Avis Rent a Car System, LLC, Terms & Conditions regarding Section 3.2 Indemnification. The Kaua'i Police Department, Investigative Services Bureau seeks to engage in a lease rental of two (2) vehicles, intended for short-term rental leases spanning one (1) year, providing the flexibility to switch vehicles as necessary, enhancing operational efficiency without the constraints of a traditional lease.

2. [C 2024-68](#) Communication (02/27/2024) from Councilmember Kagawa, transmitting for Council consideration, A Bill For An Ordinance Amending Sections 5A-1.1 And 5A-11.4, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax. (***See Proposed Draft Bill (No. 2918)***)

3. [C 2024-69](#) Communication (03/05/2024) from Council Chair Rapozo and Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance, Including Matters Pertaining To Guest Houses. (***See Proposed Draft Bill (No. 2919)***)

4. [C 2024-70](#) Communication (03/07/2024) from the Chief of Police and Assistant Chief of Police Mark T. Ozaki, requesting Council approval to accept and expend Federal funds, in the amount of \$7,139.00, from the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Grant, to replace bulletproof vests for officer safety. The grant program has a local match amount of 50% from the Kaua'i Police Department (Account No. 001-1003-551.65-00, Collective Bargaining) for the acquisition of the bulletproof (protective) vests and related accessories to be utilized by the officers of the Kaua'i Police Department.

5. [C 2024-71](#) Communication (03/07/2024) from the County Engineer, requesting Council approval to purchase unbudgeted equipment of a Flygt Submersible Pump, as an unanticipated mechanical failure of an existing pump at the Wailua Wastewater Treatment Plant has resulted in a loss of redundancy, needed to ensure that the proper flows can continue going through the plant treatment process, at a cost of approximately \$31,000.00.
6. [C 2024-72](#) Communication (03/08/2024) from the County Engineer, requesting Council approval to purchase unbudgeted equipment of an Aurora Series Effluent Pump, at an estimated cost of \$52,000.00. This pump would convey effluent to the Wailua Golf Course for irrigation purposes, due to an unanticipated mechanical failure of an existing effluent pump at the Wailua Wastewater Treatment Plant.
7. [C 2024-73](#) Communication (03/08/2024) from the Executive on Transportation, requesting Council approval to apply for, receive, expend, and indemnify the Federal Transit Administration (FTA) for Section 5339 formula grant in the amount of \$2,662,040.00 for ten (10) diesel/gas buses, and FTA Section 5311 formula grant in the amount of \$1,334,862.00 for five (5) diesel/gas buses, which are soon to be beyond their useful lives, to be used to fund eighty percent (80%) of the purchase cost, and twenty percent (20%) from the Transportation Agency's Fiscal Year 2025 budget request.
8. [C 2024-74](#) Communication (03/11/2024) from Council Chair Rapozo and Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5, Article 2, Section 5-2.6 Kaua'i County Code 1987, As Amended, Relating To Beautification Fees, to offset the tourism-related impacts of rental or U-drive motor vehicles by standardizing the beautification fee assessed to all motor vehicles in the County at five dollars (\$5) per certificate of registration. ***(See Proposed Draft Bill (No. 2920))***
9. [C 2024-75](#) Communication (03/15/2024) from the Mayor, transmitting his Fiscal Year 2024-2025 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees. ***(Detailed Line Item Budget on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2916), Proposed Draft Bill (No. 2917), and the proposed Fiscal Year 2024-2025 Real Property Tax Rate Resolution No. 2024-13)***

G. CLAIMS:

- 1. [C 2024-76](#) Communication (03/11/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Suzanne Kay Smith, for personal injuries, vehicle damage and medical expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

- 2. [C 2024-77](#) Communication (03/11/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jaquelynn Sua, for her mother's loss of life and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2024-05:** on PWVS 2024-04 Communication (02/28/2024) from Council Chair Rapozo, requesting the presence of the County Engineer and Allison Fraley, Environmental Services Manager, to provide a briefing regarding the condition of transfer stations, including but not limited to, the status of prior transfer station Notices of Violation (NOVOs), progress toward Best Management Practices (BMPs), and compliance with the National Pollutant Discharge Elimination System (NPDES) program requirements. **[Received for the Record.]**

I. RESOLUTIONS:

- 1. [Resolution No. 2024-13](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025 FOR THE COUNTY OF KAUA'I

- 2. [Resolution No. 2024-14](#) – RESOLUTION AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUA'I TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII AND DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE RESIDENTIAL CESSPOOL CONVERSION PROGRAM (COUNTY OF KAUAI RESIDENTIAL CESSPOOL CONVERSION PROGRAM 1), PROJECT NO. RCC00KA-01

3. [Resolution No. 2024-15](#) – RESOLUTION REPEALING RESOLUTION NO. 2023-02 AND AMENDING RESOLUTION NO. 2023-26 RELATING TO ADOPTING THE RULES OF THE KAUAI COUNTY COUNCIL FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2916\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025 (*Fiscal Year 2024-2025 Operating Budget*)

2. [Proposed Draft Bill \(No. 2917\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025 (*Fiscal Year 2024-2025 CIP Budget*)

3. [Proposed Draft 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

4. [Proposed Draft Bill \(No. 2919\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, INCLUDING MATTERS PERTAINING TO GUEST HOUSES

5. [Proposed Draft 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

K. EXECUTIVE SESSION: Pursuant to Hawaii’s 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-1118 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 a briefing on the Claim filed against the County of Kaua'i by Ashley Conner on February 12, 2024. 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-1119 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 a briefing and request for settlement authority in EEOC No. 37B-2018-00013 (U.S. Equal Employment Opportunity Commission), FEPA Charge No. K-19973 (Amended) (Hawai'i Civil Rights Commission), a complaint by a County employee alleging gender based discrimination against the County of Kaua'i Department of Public Works. 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-1120 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of Council, requests an Executive Session to provide a briefing on Hawai'i Government Employees Association, AFSCME, Local 152 AFL-CIO vs. County of Kaua'i (5CSP-24-0000001) and the status of all pending temporary hazard pay grievances. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and 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. 2913](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 3, SECTION 19-3.2, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES AT THE WAILUA GOLF COURSE

2. [Bill No. 2914](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GOVERNMENT ASSISTANCE FOR WORKFORCE HOUSING
3. [Bill No. 2915](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOUSING ELIGIBILITY AND SELECTION