

KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, JULY 31, 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, Lihue, Hawaii, 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. July 10, 2024 Council Meeting
2. July 10, 2024 Public Hearing re: Bill No. 2923 and Bill No. 2924

E. CONSENT CALENDAR:

1. [C 2024-140](#) Communication (07/01/2024) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year (FY) 2023-2024, pursuant to Section 22 of Ordinance No. B-2023-891, as amended, relating to the Operating Budget of the County of Kaua'i for FY 2023-2024.
2. [C 2024-141](#) Communication (07/05/2024) from the County Engineer, transmitting for Council information, the Second Quarter Statement of Building Division Permit Reports for 2024.
3. [C 2024-142](#) Communication (07/16/2024) from Chris Donahoe, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2024 through June 30, 2024.
4. [C 2024-143](#) Communication (07/17/2024) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 7, 2023 and November 8, 2023.

F. COMMUNICATIONS:

1. [C 2024-144](#) Communication (07/02/2024) from Council Chair Rapozo, requesting the presence of the Emergency Management Administrator, to provide a briefing regarding the status of disaster preparedness entering hurricane season and to provide any updates relating to the Lahaina recovery efforts.
2. [C 2024-145](#) Communication (07/03/2024) from the Director of Finance, requesting Council approval to accept, after the fact, travel-related reimbursed expenses from the International Association of Assessing Officers (IAAO) to attend the 2024 National Association of Counties (NACo) Annual Conference and Exposition.

3. [C 2024-146](#) Communication (07/04/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, requesting Council approval to accept funding from the Enhanced 911 (E-911) Board, in the amount of \$933,070.00, for annual recurring and non-recurring expenditures to operate 911 services as part of the Kaua'i Police Department's (KPD's) Public Safety Answering Point (PSAP) and the Alternate Dispatch Center (ADC).
4. [C 2024-147](#) Communication (07/07/2024) from the Deputy Director of Planning, requesting Council approval to accept and expend additional funds from the Federal Highway Administration (FHWA) and the Hawai'i State Department of Transportation (HDOT) in the amount of \$6,650.00, for a total project budget of \$551,098.00, to establish a County Safe Routes to School Program and an Administrator. The initial specified amount approved during the March 13, 2024 Council Meeting was \$544,448.00.
5. [C 2024-148](#) Communication (07/09/2024) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Property Tax, allowing lessees of a state-owned property used for residential purposes to qualify for a beneficial tax rate and the assessment cap. ***(See Proposed Draft Bill (No. 2925))***
6. [C 2024-149](#) Communication (07/16/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, requesting Council approval to receive and expend Fiscal Year 2023 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$31,000.00, and to indemnify the State of Hawai'i, Department of the Attorney General, project award No. 15JOVW-23-GG-00569-STOP, to continue to provide program support for the Sexual Assault Nurse Examiners (SANE) program related to training and equipment needs, for the anticipated period of June 1, 2024 to May 31, 2025.
7. [C 2024-150](#) Communication (07/17/2024) from the County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 12, Kaua'i County Code 1987, As Amended, Relating To The Building Code. ***(See Proposed Draft Bill (No. 2926))***

8. [C 2024-151](#) Communication (07/17/2024) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Authorizing The Issuance Of Tax-Exempt General Obligation Bonds To Refund The Outstanding Taxable General Obligation Bonds, Series 2010A Of The County Of Kaua'i. (***See Proposed Draft Bill (No. 2927)***)

9. [C 2024-152](#) Communication (07/19/2024) from Council Chair Rapozo and Councilmember Kagawa, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, and A Bill For An Ordinance Amending Ordinance No. B-2024-896, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2024 Through June 30, 2025, By Revising The Amounts Estimated In The General Fund. (***See Proposed Draft Bill (No. 2928) and Proposed Draft Bill (No. 2929)***)

10. [C 2024-153](#) Communication (07/19/2024) from the Director of Finance, requesting Council approval to accept, after the fact, volunteer time of 160 hours for the Kapa'a Armory Memorial Restoration Project.

G. CLAIMS:

1. [C 2024-154](#) Communication (07/03/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gregory T. Dominique, for personal property, property damage, and loss of revenue pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2024-155](#) Communication (07/08/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Michal Nakashima, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2024-156](#) Communication (07/15/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Petrina S. Blakely, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2024-157](#) Communication (07/15/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Yetunde A. Ogunsanya-Thompson, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:**1. COMMITTEE OF THE WHOLE:****a. CR-COW 2024-17:** on 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 **[Approved.]**

b. CR-COW 2024-18: on 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 **[Approved.]**

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2925\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*)

2. [Proposed Draft Bill \(No. 2926\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BUILDING CODE

3. [Proposed Draft Bill \(No. 2927\)](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED

4. [Proposed Draft Bill \(No. 2928\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*RPT Mid-Year Adjustments Tax Credit*)

5. [Proposed Draft Bill \(No. 2929\)](#) – 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 GENERAL FUND

J. BILL(S) FOR SECOND READING:

1. [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 (*See also CR-COW 2024-17; the Committee of the Whole recommended approval on second and final reading.*)

2. [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 (*See also CR-COW 2024-18; 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-1131 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 the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. The 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.

2. ES-1132 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(6), the Office of the County Attorney requests an Executive Session on behalf of Council to discuss foreign influence operations as it relates to public safety and security. This briefing provided by Special Agents from the Federal Bureau of Investigation relates to the powers of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.