

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 25, 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, 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. August 14, 2024 Council Meeting
2. September 11, 2024 Council Meeting
3. September 11, 2024 Public Hearing re: Bill No. 2930

E. INTERVIEWS:

1. POLICE COMMISSION:

- [Merrilee Mia Ako](#) – Partial term ending 12/31/2024

2. PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION:

- [Manuel L. Cabral](#) (*Hanapēpē – ‘Ele‘ele*) – Partial term ending 12/31/2024

3. BUILDING BOARD OF APPEALS:

- [Julian M. John Melchor](#) (*Electrical*) – Partial term ending 12/31/2024

F. COMMUNICATIONS:

1. [C 2024-182](#) Communication (07/30/2024) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.
2. [C 2024-183](#) Communication (08/26/2024) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$10,000.00, from the Hawai‘i State Rural Health Association (HSRHA), to cover travel expenses and the production and distribution costs of an educational and informational video about the dangers of fentanyl and how to administer Naloxone.

3. [C 2024-184](#) Communication (08/29/2024) from the Fire Chief, requesting approval of the indemnification provision contained in the Newport Laminates Conditions of Sale for all Towers, to purchase two (2) prefabricated lifeguard towers from Newport Laminates, Inc., which will be used by the Ocean Safety Bureau.
4. [C 2024-185](#) Communication (08/30/2024) from the Director of Parks & Recreation, requesting Council approval to receive and expend appropriations from the State Legislature of 2024, in the amount of \$1,650,000.00, of capital improvement funds, to be used for design and construction for resurfacing of the tennis and basketball courts at the Kekaha Faye Park, resurfacing of the basketball courts at the Waimea Athletic Field, and resurfacing of the tennis courts at the Hanapēpē Stadium Park.
5. [C 2024-186](#) Communication (08/30/2024) from the Director of Parks & Recreation, transmitting for Council consideration, a Bill For An Ordinance To Amend Ordinance No. B-2024-897, As Amended, Relating To The Capital Budget Of The County Of Kauaʻi, State Of Hawaiʻi, For The Fiscal Year July 1, 2024 Through June 30, 2025, By Revising The Amounts Estimated In The General Fund CIP, reallocating funds the Islandwide Playcourt Resurfacing to Kekaha Faye Park, Waimea Athletic Field, and Hanapēpē Stadium Park Resurfacing. **(See Proposed Draft Bill (No. 2934))**
6. [C 2024-187](#) Communication (09/03/2024) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$535,000.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, chores, homemaker services, Kūpuna care transportation, personal care, home-delivered meals, respite care, and caregiver support services for the period July 1, 2019 through June 30, 2025.
7. [C 2024-188](#) Communication (09/03/2024) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$37,000.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kauaʻi, 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, for the period June 1, 2024 through May 31, 2025.

8. [C 2024-189](#) Communication (09/04/2024) from the Executive on Aging, requesting Council approval to apply for, receive, and expend Year 2 of 3 Year grant funding awarded by the Corporation for National and Community Service to the County of Kauaʻi, Agency on Elderly Affairs, Kauaʻi Retired and Senior Volunteer Program (RSVP) for the period of April 1, 2025 to March 31, 2026, in the amount of \$77,500.00 per year, combined with matching County funds in the amount of \$183,903.00, to assist Kauaʻi RSVP in carrying out the national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).
9. [C 2024-190](#) Communication (09/09/2024) from the County Engineer, requesting Council approval of the indemnification provisions contained in the Conservation District Use Permit (CDUP) KA-3926 for the Nāwiliwili-Ahukini Shared-Use Path Project made by and between the County of Kauaʻi and the State of Hawaiʻi, Board of Land and Natural Resources (BLNR), which is required for the development of path segments within the Limited Subzone of the State Land Use (SLU) Conservation District.
10. [C 2024-191](#) Communication (09/10/2024) from the Director of Finance, requesting Council approval of the indemnification provisions contained in the Zoom Terms and Service, which provides video conferencing tools for users to connect online for meetings, webinars, and live chat.
11. [C 2024-192](#) Communication (09/10/2024) from the Director of Finance, requesting Council approval of the Granicus LLC Subscription Agreement and Terms & Conditions associated with GovMeetings and LiveCast Encoder services, which provides streaming and captioning for the Kauaʻi County Council and the Planning Commission meetings.
12. [C 2024-193](#) Communication (09/10/2024) from the Director of Finance, requesting Council approval of the indemnification provision contained in the Adobe Software End User License Agreement, which provides the County with document management software.
13. [C 2024-194](#) Communication (09/11/2024) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$100,000.00, from the State of Hawaiʻi, Department of Health, Alcohol and Drug Abuse Division (ADAD), Strategic Prevention Framework – Partnership for Success grant, which will support prevention programs and coordinate prevention coalitions in Kauaʻi County and allow staff to attend off-island conferences.

14. [C 2024-195](#) Communication (09/13/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, requesting Council approval to accept and expend recurring State funds in the amount of \$201,306.00, which funds three (3) Emergency Services Dispatcher positions, with a total anticipated amount for the Fiscal Year of \$805,224.00, Hawai'i Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contract period of July 1, 2024 to June 30, 2025.
15. [C 2024-196](#) Communication (09/13/2024) from Council Chair Rapozo, requesting the presence of the County Engineer and the Department of Hawaiian Home Lands (DHHL), to provide a briefing regarding residential and wastewater development plans for the Līhu'e and Wailua areas.
16. [C 2024-197](#) Communication (09/13/2024) from Jason D. Overmyer, Lieutenant, Patrol Operations Bureau, requesting Council approval to receive and expend Federal funds, in the amount of \$591,576.26, 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, training, and overtime expense, for the period of October 1, 2024 through September 30, 2025.

G. LEGAL DOCUMENTS:

1. [C 2024-198](#) Communication (09/03/2024) from the Housing Director, recommending Council approval of a Right-of-Entry permit for development of Phase II of the successful Kealaula Supportive Housing Project for Homeless Families and indemnification, between the County of Kaua'i and the State of Hawai'i Department of Land and Natural Resources (DLNR) of lands encumbered under Governor's Executive Order (EO) No. 4663 situated at Tax Map Key (TMK) No. (4) 3-8-005:002 (por.), Nāwiliwili, Kaua'i, Hawai'i, expanding the project by approximately twenty-four (24) units, completing a new sewer line and pump station, and constructing an eight-foot chain link fence between the new housing project and the DLNR Division of Forestry and Wildlife's baseyard, to maintain security for facilities and equipment.
 - Issuance of Construction Right-of-Entry Permit

2. [C 2024-199](#) Communication (09/17/2024) from the County Engineer, recommending Council approval to enter into a Memorandum of Agreement (MOA) with the State of Hawai'i Department of Transportation (HDOT) Harbors Division, to obtain eleven (11) sections of the Superferry Ramp, which will be repurposed for constructing temporary bridges where necessary and appropriate, estimated value of \$135,000.00.
 - Memorandum of Agreement for work to be performed by Department of Transportation, Harbors, as part of S70160 Removal of Superferry Ramp Nāwiliwili Harbor, Kaua'i, Hawai'i

H. CLAIM:

1. [C 2024-200](#) Communication (09/16/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Automobile Insurance Company as subrogee for Michal Nakashima, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2934\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2024-897, AS AMENDED, RELATING TO THE CAPITAL 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 CIP (*Kekaha Faye Park, Waimea Athletic Field, and Hanapēpē Stadium Park – \$1,650,000.00*)

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.)*

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. 2931](#) – A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUAI
 2. [Bill No. 2932](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22 OF THE KAUAI COUNTY CODE 1987 BY AMENDING SECTION 22-5.4 TO ADD TO THE LIST OF EXCEPTIONAL TREES (*In the center of the Sun Village Complex TMK: 3-7-001:017*)