

**KAUA'I COUNTY COUNCIL**  
**MEETING NOTICE AND AGENDA**  
**WEDNESDAY, OCTOBER 23, 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](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.
- **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](mailto: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](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 meetings of the Council:

1. September 25, 2024 Council Meeting
2. October 9, 2024 Public Hearing re: Bill No. 2933

E. CONSENT CALENDAR:

1. [C 2024-208](#) Communication (10/02/2024) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2024-2025, pursuant to Section 22 of Ordinance No. B-2024-897, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2024-2025.
2. [C 2024-209](#) Communication (10/03/2024) from Hugo D. Cabrera, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from July 1, 2024 through September 30, 2024.
3. [C 2024-210](#) Communication (10/07/2024) from the County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Design And Construction Of Best Management Practice (BMP) Improvements At Various Refuse Transfer Stations, Project No. C150059-25. **(See Resolution No. 2024-25)**
4. [C 2024-211](#) Communication (10/08/2024) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Urging The State Department Of Accounting And General Services To Unilaterally Survey A Shoreline For The Purpose Of Establishing A Boundary Of State Land At 'Anini Beach. **(See Resolution No. 2024-26)**
5. [C 2024-212](#) Communication (10/08/2024) from Councilmember Carvalho, transmitting for Council consideration, a Resolution Supporting Operation Green Light For Veterans. **(See Resolution No. 2024-27)**
6. [C 2024-213](#) Communication (10/16/2024) from Council Chair Rapozo and Councilmember DeCosta, transmitting for Council consideration, a Resolution Urging The Planning Department To Evaluate And Pursue Public Access Easement Interests In Lands Required For Public Use. **(See Resolution No. 2024-28)**

F. COMMUNICATIONS:

1. [C 2024-214](#) Communication (10/01/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the fourth allotment in the amount of \$20.00, Fiscal Year 2024, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.
2. [C 2024-215](#) Communication (10/02/2024) from Makana A. Rivera, Acting Assistant Chief, Support Services Bureau, requesting Council approval to accept and expend Federal funds, in the amount of \$45,493.88, 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.
3. [C 2024-216](#) Communication (10/04/2024) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$780,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Law Enforcement, to be used to enhance the capability of state and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives. This grant has a three-year performance period with no cost-share requirement.
4. [C 2024-217](#) Communication (10/04/2024) from the Director of Finance, requesting Council approval of the indemnification provision in the Kaseya Unitrends Support Agreement, a developer which provides the County with reliable backup, disaster recovery and a centralized management control to monitor and manage all backup and disaster recovery tasks.
5. [C 2024-218](#) Communication (10/09/2024) from the Fire Chief, requesting Council approval of the indemnification provisions for renewal of radio subscription services from Motorola Solutions, Inc., which provides the Kaua'i Fire Department and Ocean Safety Bureau with the ability to track the Kaua'i Fire Department personnel in real time, elevating operations safety and situational awareness, and enabling the radios to use the FirstNet cell system to supplement radio coverage throughout Kaua'i.

6. [C 2024-219](#) Communication (10/10/2024) from the County Engineer, requesting Council approval to negotiate and execute an Administrative Order on Consent (AOC) with the State of Hawai'i, Department of Health Clean Water Branch, which will address both the Notice of Violation Order (NOVO) from 2016 and the permit compliance matters related to the National Pollutant Discharge Elimination System (NPDES) permit inspections at all Refuse Transfer Stations (RTS) that began February 2024. The AOC process allows the opportunity to consider the County of Kaua'i's progress with NPDES compliance, and the opportunity to review and negotiate reduced penalties for non-compliance matters.
7. [C 2024-220](#) Communication (10/11/2024) from the Director of Finance, requesting Council approval to apply for, accept, and expend Federal Emergency Management Agency (FEMA) funds to elevate and defer disaster related cost due to the April 2024 flooding event. To date, estimated projects cost in the process of FEMA submission total in excess of \$7,300,000.00.
8. [C 2024-221](#) Communication (10/11/2024) from the Director of Finance, requesting Council approval of the indemnification provision in the Subrecipient Award Memorandum of Agreement (MOA) for the Federal Emergency Management Agency (FEMA) Public Assistance Grant Program, for reimbursement of expenses related to the response to and recovery from the heavy rains and flooding that occurred on April 11, 2024.
9. [C 2024-222](#) Communication (10/11/2024) from the Director of Finance, transmitting for Council consideration, 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, For The Purposes Of Funding Expenditures Caused By Heavy Rains And Severe Flooding Which Started On April 11, 2024, By Revising The Amounts Estimated In The General Fund (***See Proposed Draft Bill (No. 2935)***)
10. [C 2024-223](#) Communication (10/15/2024) from the County Engineer, requesting Council approval to receive reimbursements from the Hawai'i Local Technical Assistance Program (LTAP), for travel-related expenses incurred as a result of attending various off-island training events sponsored by the United States (U.S.) Department of Transportation, Federal Highway Administration (FHWA), during Fiscal Year 2025. Reimbursements are estimated to range between \$150.00 to \$350.00 per person per travel day.

11. [C 2024-224](#) Communication (10/16/2024) from Council Chair Rapozo, requesting Council approval to conduct Performance Audits on the following:

1. Ag Dedication Process and Enforcement;
2. Solid Waste Operational Issues
  - a. Equipment Issues
  - b. Staffing;
3. Residential Building Permit Process (Administration's initiative);
4. Funding for the Agency on Elderly Affairs (Administration's initiative); and
5. Hiring Practices and Employee Retention (Administration's initiative).

#### G. COMMITTEE REPORTS:

##### 1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2024-05:** on PRT 2024-05 Communication (08/05/2024) from Committee Chair Bulosan, requesting the presence of Alanna Bauman, Early Childhood Education System Coordinator, Kaua'i Planning & Action Alliance and Cheri Nakamura, Program and Policy Officer, Hawai'i School Facilities Authority, to provide a briefing regarding the Ready Keiki initiative. **[Received for the Record.]**

##### 2. PLANNING COMMITTEE:

- a. **CR-PL 2024-05:** on Bill No. 2933 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 (*Kaua'i County Council, Applicant*) (*ZA-2024-3 Planning Commission Recommendation*) **[Approved as Amended.]**

H. RESOLUTIONS:

1. [Resolution No. 2024-25](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DESIGN AND CONSTRUCTION OF BEST MANAGEMENT PRACTICE (BMP) IMPROVEMENTS AT VARIOUS REFUSE TRANSFER STATIONS, PROJECT NO. C150059-25

2. [Resolution No. 2024-26](#) – RESOLUTION URGING THE STATE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO UNILATERALLY SURVEY A SHORELINE FOR THE PURPOSE OF ESTABLISHING A BOUNDARY OF STATE LAND AT ‘ANINI BEACH

3. [Resolution No. 2024-27](#) – RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS

4. [Resolution No. 2024-28](#) – RESOLUTION URGING THE PLANNING DEPARTMENT TO EVALUATE AND PURSUE PUBLIC ACCESS EASEMENT INTERESTS IN LANDS REQUIRED FOR PUBLIC USE

I. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2935\)](#) – 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, FOR THE PURPOSES OF FUNDING EXPENDITURES CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 11, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND

J. BILL FOR SECOND READING:

1. [Bill No. 2933, Draft 1](#) – 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 (*Kauai County Council, Applicant*) (*ZA-2024-3 – Planning Commission Recommendation*) (*See also CR-PL 2024-05; the Planning Committee recommended approval as amended to Bill No. 2933, Draft 1 on October 16, 2024.*)



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-1135 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. 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-1136 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by Kaua'i Island Utility Cooperative (KIUC) 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.

#### 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. 2934 – 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 GENERAL FUND CIP (Kekaha Faye Park, Waimea Athletic Field, and Hanapepe Stadium Park – \$1,650,000.00)