

COUNTY COUNCIL

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MEMORANDUM

October 24, 2024

TO: Derek S.K. Kawakami, Mayor
FROM: Mel Rapozo, Council Chair
RE: **OCTOBER 23, 2024 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its October 23, 2024 Council Meeting:

CONSENT CALENDAR:

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. *(Received for the Record.)*

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. *(Received for the Record.)*

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. *(Received for the Record.)*

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. *(Received for the Record.)*

C 2024-212 Communication (10/08/2024) from Councilmember Carvalho, transmitting for Council consideration, a Resolution Supporting Operation Green Light For Veterans. *(Received for the Record.)*

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. *(Received for the Record.)*

COMMUNICATIONS:

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. *(Approved.)*

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. *(Approved.)*

C 2024-216 Communication (10/04/2024) from the Emergency Management Administrator, requesting Council approval to receive and expend Federal 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. *(Approved.)*

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. *(Approved.)*

Council Meeting Follow-up Memorandum to the Mayor

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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. *(Approved.)*

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. *(Approved.)*

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. *(Approved.)*

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. *(Approved.)*

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. *(Received for the Record.)*

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. *(Approved.)*

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). (*Approved.*)

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

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 (*Approved.*)

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 (*Approved as Amended.*)

Resolution No. 2024-27 – RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS (*Approved.*)

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

BILL FOR FIRST READING:

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 (*Approved as Amended on 1st Reading, Public Hearing scheduled for November 27, 2024, and referred to the Committee of the Whole.*)

BILL FOR SECOND READING:

Bill No. 2933, Draft 1 – 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.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via Email*)
KCT CCs (*Via Email*)
Council Services Staff (*Via Email*)