

**KAUA'I COUNTY COUNCIL
MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 29, 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. May 14, 2024 Special Council Meeting
2. May 14, 2024 Public Hearing re: Resolution No. 2024-13, Bill No. 2916, and Bill No. 2917

E. COMMUNICATIONS:

1. [C 2024-96](#) Communication (05/08/2024) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2024-2025 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter. (**Public Hearing held on May 22, 2024**)
2. [C 2024-109](#) Communication (05/08/2024) from the Chief of Police, Acting Assistant Chief Elliott K. Ke, and Captain Paul N. Applegate, requesting Council approval to accept and expend recurring Federal funds, in the amount of \$44,481.00, from the Fiscal Year 2021 Edward J. Byrne Memorial Justice Assistance Grant (JAG), to be used for the purpose of drug-related investigations.
3. [C 2024-110](#) Communication (05/15/2024) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from State of Hawai'i Department of Agriculture, in the amount of \$200,000.00, for the purpose of mitigating the spread of the Coconut Rhinoceros Beetle (CRB) on Kaua'i, and be to support broader detection efforts and execute a public awareness campaign to inform residents, visitors, and local businesses about the ecological and economic impacts of CRB and how to detect and report this invasive species.

F. LEGAL DOCUMENT:

1. [C 2024-111](#) Communication (05/09/2024) from the Housing Director, recommending Council approval of a Grant of Easement made by and between the County of Kaua'i and Kaua'i Island Utility Cooperative of Tax Map Key (TMK) No. (4) 2-1-013:001, 'Ele'ele, Kaua'i, Hawai'i, for the Lima Ola Permanently Supportive Housing Project in Phase I of the Lima Ola Subdivision, along with the related indemnification provision contained therein, to locate, install, build, construct, use, operate, repair, maintain, and replace poles, wire lines, conduits, appliances, equipment, and facilities within the easement area.
 - Grant of Easement

G. COMMITTEE REPORTS:1. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-HIR 2024-01:** on Bill No. 2914, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GOVERNMENT ASSISTANCE FOR WORKFORCE HOUSING **[Approved as Amended.]**
- b. **CR-HIR 2024-02:** on Bill No. 2915, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOUSING ELIGIBILITY AND SELECTION **[Approved.]**

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-07:** on COW 2024-03 Communication (04/18/2024) from Councilmember Cowden, requesting the presence of Employees' Retirement System (ERS) Thomas Williams, Executive Director, to provide a briefing on ERS' investments, holdings, and asset allocations as well as its continued ability to fulfill retirees' pension obligations. **[Received for the Record.]**
- b. **CR-COW 2024-08:** on COW 2024-04 Communication (05/16/2024) from Committee Chair Rapozo, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2024-2025 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**

- c. **CR-COW 2024-09:** on 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 KAUAI [Approved as Amended.]
- d. **CR-COW 2024-10:** on 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*) [Approved as Amended.]
- e. **CR-COW 2024-11:** on 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*) [Approved as Amended.]

H. RESOLUTION:

1. [Resolution No. 2024-13, Draft 1](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025 FOR THE COUNTY OF KAUAI (*See CR-COW 2024-09, the Committee of the Whole recommended approval as amended to Resolution No. 2024-13, Draft 1 on May 22, 2024.*)

I. BILLS FOR SECOND READING:

1. [Bill No. 2914, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GOVERNMENT ASSISTANCE FOR WORKFORCE HOUSING (*See also CR-HIR 2024-01; the Housing & Intergovernmental Relations Committee recommended approval as amended to Bill No. 2914, Draft 2 on May 22, 2024.*)

2. [Bill No. 2915, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOUSING ELIGIBILITY AND SELECTION (*See also CR-HIR 2024-02; the Housing & Intergovernmental Relations Committee recommended approval on second and final reading.*)

3. [Bill No. 2916, Draft 1](#) – 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*) (*See also CR-COW 2024-10; the Committee of the Whole recommended approval as amended to Bill No. 2916, Draft 1 on May 22, 2024.*)

4. [Bill No. 2917, Draft 1](#) – 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*) (*See also CR-COW 2024-11; the Committee of the Whole recommended approval as amended to Bill No. 2917, Draft 1 on May 22, 2024.*)

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.)*

1. ES-1127 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 on the condemnation litigation entitled County of Kaua'i vs. Pete E. Apor, et al., Civil No. 5CCV-21-0000046, Fifth Circuit Court, State of Hawai'i. 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-1128 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 Hawaiian Telcom 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.

K. ADJOURNMENT.