

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, JUNE 26, 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. May 29, 2024 Council Meeting
2. June 12, 2024 Public Hearing re: Bill No. 2921 and Bill No. 2922
3. June 12, 2024 Council Meeting

E. COMMUNICATIONS:

1. [C 2024-119](#) Communication (05/31/2024) from the County Attorney, requesting authorization to expend funds up to \$150,000.00 to retain Special Counsel to represent the County of Kaua'i in enforcement of the Comprehensive Zoning Ordinance as it relates to transient accommodations. ***(Deferred June 12, 2024)***
2. [C 2024-124](#) Communication (06/04/2024) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$291,839.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2024. This award is through September 30, 2026.
3. [C 2024-125](#) Communication (06/05/2024) from the Mayor, requesting Council approval to accept all food, travel, and lodging expenses provided by the Hunt Institute's Early Learning Nation Policy Fellows for Local Elected Leaders to attend the Early Childhood Leadership Summit and Fellows Retreat on September 4-6, 2024 in Las Vegas, Nevada, an invitation-only learning and networking opportunity, designed to support bipartisan local elected leaders with the drive and potential to establish their communities as national leaders for children.
4. [C 2024-126](#) Communication (06/06/2024) from the Fire Chief, requesting Council approval of the indemnification provisions for purchase of APX Next Portable Radios and related subscription services from Motorola Solutions, Inc.
5. [C 2024-127](#) Communication (06/06/2024) from the Fire Chief, requesting Council approval to accept a donation from the Okinawa Lifesaving Association in the estimated amount of \$12,500.00, to be used for all travel expenses, airfare, lodging, and transportation for Ocean Safety Bureau Chief Kalani Vierra to participate in the Okinawa Lifesaving Association Rescue Watercraft Training on June 15-26, 2024 and the Ocean Safety Symposium on July 22-29, 2024, in Okinawa, Japan.

6. [C 2024-128](#) Communication (06/12/2024) from the Chief of Police and Mark T. Ozaki, Assistant Chief of Police, requesting Council approval to receive and expend State funds, in the amount of up to \$12,000.00, from the State of Hawai'i, Department of Health, Alcohol and Drug Abuse Division, as reimbursement associated overtime for the enforcement of Hawai'i Revised Statutes (HRS) Section 712-1258, prohibiting tobacco sales to minors via Memorandum of Agreement 2025-PB-002 effective September 1, 2024 through August 31, 2025.
7. [C 2024-129](#) Communication (06/13/2024) from the County Engineer, requesting Council approval of the indemnification provisions contained in Paragraph 13 of Hawai'i Gas's Terms of Use, which provides the fuel supply for the Waimea Levee Pump Station's emergency generators that serve as the backup power source in the event of an electric power outage.
8. [C 2024-130](#) Communication (06/16/2024) from the Director of Economic Development, requesting Council approval of the indemnification clause and cost of litigation provisions included in the State of Hawai'i Department of Agriculture General Terms and conditions Sections 7 and 8, administering support for the mitigation of the spread of the Coconut Rhinoceros Beetle (CRB). Approval to receive and expend funding in the amount of \$200,000.00 was granted at the May 29, 2024 Council Meeting.
9. [C 2024-131](#) Communication (06/17/2024) from the County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$379,538.40, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2025 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions and support mobile redemption center operations in Kekaha and Kōloa.
10. [C 2024-132](#) Communication (06/17/2024) from the Deputy Director of Planning, requesting Council approval to receive and expend Federal/State funds for the Hawai'i Coastal Zone Management (CZM) Program in an amount up to \$375,345.00, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the program. This reoccurring pass-through grant will be utilized to continue the implementation of the CZM Program on Kaua'i commencing July 1, 2024 to June 30, 2025 and will be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kaua'i and Shoreline Setback provisions of Chapter 8, Kaua'i County Code 1987, as amended.

F. CLAIMS:

1. [C 2024-133](#) Communication (06/04/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by MNS, LTD., dba Sueoka Store, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2024-134](#) Communication (06/07/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ira McRoberts, for vehicle damages, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2024-135](#) Communication (06/17/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Todd G. Raybuck, for reimbursement of attorney fees, pursuant to Section 23.06, Charter of the County of Kaua'i.

G. COMMITTEE REPORTS:1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-13:** on COW 2024-06 Communication (05/02/2024) from Councilmember DeCosta, requesting the presence of Beth Amaro, Member Services and Communications Manager, Kaua'i Island Utility Cooperative, to provide a briefing relating to fire mitigation. **[Received for the Record.]**
- b. **CR-COW 2024-14:** on COW 2024-07 Communication (06/06/2024) from Councilmember Kagawa, requesting the presence of the Director of Economic Development, the Director of Parks & Recreation, the State of Hawai'i Department of Agriculture, and the Kaua'i Invasive Species Committee to provide a briefing to discuss the effort to curb the spread of invasive species such as Little Fire Ant, Coconut Rhinoceros Beetle, and Rose Ringed Parakeet, also the damage they cause on food production. **[Received for the Record.]**

- c. **CR-COW 2024-15:** on Bill No. 2912      A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 6, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE **[Received for the Record.]**
- d. **CR-COW 2024-16:** on Bill No. 2921      AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, FOR THE PURPOSES OF FUNDING EMERGENCY EXPENDITURES CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 11, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND **[Approved.]**

H. BILLS FOR SECOND READING:

1. [Bill No. 2914, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, ARTICLE 9, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GOVERNMENT ASSISTANCE FOR WORKFORCE HOUSING **(Deferred May 29, 2024)**
2. [Bill No. 2912](#) – A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 6, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO FINANCE *(See also CR-COW 2024-15; the Committee of the Whole recommended Bill No. 2912 be received for the record.)*
3. [Bill No. 2921](#) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, FOR THE PURPOSES OF FUNDING EMERGENCY EXPENDITURES CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 11, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(See also CR-COW 2024-16; the Committee of the Whole recommended approved on second and final reading.)*

I. 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-1130           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 to provide a briefing on the retention of Special Counsel to represent the County of Kaua'i in enforcement of the Comprehensive Zoning Ordinance as it relates to transient accommodations. The 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. ***(Deferred June 12, 2024.)***

J. ADJOURNMENT.