

**KAUA'I COUNTY COUNCIL  
MEETING NOTICE AND AGENDA  
WEDNESDAY, OCTOBER 9, 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](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 meeting of the Council:

1. September 25, 2024 Public Hearing re: Bill No. 2931 and Bill No. 2932

E. CONSENT CALENDAR:

1. [C 2024-201](#) Communication (08/27/2024) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Merrilee Mia Ako to the Police Commission – Partial term ending 12/31/2024. (***See Resolution No. 2024-22***)
2. [C 2024-202](#) Communication (09/10/2024) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Julian M. John Melchor (*Electrical*) to the Building Board of Appeals – Partial term ending 12/31/2024. (***See Resolution No. 2024-23***)
3. [C 2024-203](#) Communication (09/11/2024) from Colbie Henslee, Accountant III, and the Accounting Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2024. (*Copy on file in the Office of the County Clerk.*)
4. [C 2024-204](#) Communication (09/13/2024) from Council Chair Rapozo, transmitting for Council consideration and confirmation, Council appointee Manuel L. Cabral (*Hanapēpē — ‘Ele‘ele*) to the Public Access, Open Space, Natural Resources Preservation Fund Commission – Partial term ending 12/31/2024. (***See Resolution No. 2024-24***)
5. [C 2024-205](#) Communication (09/27/2024) from the Director of Finance, transmitting for Council information, a Report of Settlements by the Director of Finance for Tax Year 2023-2024, from July 1, 2023 through June 30, 2024, pursuant to Ordinance No. 1145, Kaua‘i County Code 1987, as amended, Title III, Chapter 5A-12.15(c), approved on February 8, 2023.

**F. COMMUNICATIONS:**

1. [C 2024-206](#) Communication (08/22/2024) from Councilmember Bulosan, requesting the presence of Representative Nadine K. Nakamura, Lance Segawa, Hawai'i Health Systems Corporation (HHSC) Kaua'i Region Chief Executive Officer (CEO), and Kimi Yuen, PBR Hawai'i Vice President, to provide an update relating to the Samuel Mahelona Memorial Hospital (SMMH) Transit-Oriented Development (TOD) Master Plan.
  
2. [C 2024-207](#) Communication (09/27/2024) from the Director of Finance, requesting Council approval to accept unappropriated and unknown/unspecified future obligation terms in the Paying Agency Agreement with U.S. Bank for the purpose of reimbursement for servicing certain outstanding General Obligation Bonds, Series 2024 funds.

**G. COMMITTEE REPORTS:****1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:**

- a. **CR-PWVS 2024-09:** on Bill No. 2926 A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BUILDING CODE [Approved as Amended.]

**2. PARKS & RECREATION / TRANSPORTATION COMMITTEE:**

- a. **CR-PRT 2024-04:** on PRT 2024-02 Communication (08/21/2024) from Councilmember Kagawa, requesting the presence of the Director of Parks & Recreation, to provide an update relating to the condition of tennis courts and the status of the County's ownership of the various tennis courts. [Received for the Record.]

**3. PLANNING COMMITTEE:**

- a. **CR-PL 2024-04:** on 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*) **[Approved.]**

**4. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:**

- a. **CR PSHS 2024-01:** on PSHS 2024-01 Communication (08/27/2024) from Council Chair Rapozo requesting the presence of the Chief of Police, the Fire Chief, and Kaua'i Search and Rescue (KSAR), to provide a briefing regarding the emergency search and rescue process to include:
- An overview of the current procedures underlying emergency search and rescue operations;
  - Roles and responsibilities of each organization; and
  - Collaboration between first responders and volunteers
- [Received for the Record]**

**5. COMMITTEE OF THE WHOLE**

- a. **CR-COW 2024-22:** on Bill No. 2930 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, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR - \$70,000.00*) **[Approved.]**

- b. CR-COW 2024-23:** on Bill No. 2931      A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUAI **[Approved.]**

#### H. RESOLUTIONS:

1. [Resolution No. 2024-22](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Merrilee Mia Ako*)
  
2. [Resolution No. 2024-23](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Julian M. John Melchor – Electrical*)
  
3. [Resolution No. 2024-24](#) – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Manuel L. Cabral – Hanapēpē — ‘Ele‘ele*)

#### I. BILLS FOR SECOND READING:

1. [Bill No. 2926, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BUILDING CODE (*See also CR-PWVS 2024-09; the Public Works & Veterans Services Committee recommended approval as amended to Bill No. 2926, Draft 1 on October 2, 2024.*)
  
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*) (*See also CR-PL 2024-04; the Planning Committee recommended approval on second and final reading.*)

3. [Bill No. 2930](#) – 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, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Additional Costs For Fiscal Year 2023 ACFR – \$70,000.00*) (*See also CR-COW 2024-22; the Committee of the Whole recommended approval on second and final reading.*)

4. [Bill No. 2931](#) – A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUAI (*See also CR-COW 2024-23; the Committee of the Whole recommended approval on second and final reading.*)

**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-1134 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide an update on *County of Kauai vs. Kala Industries LLC* (5CC 18-1-0031) and discuss public access easements within the Kilauea Agricultural Subdivision and the West Waiakalua Subdivision. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and liabilities of the Council and the County as they relate to this agenda item.

#### 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. 2933](#) – 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*)