COUNCIL MEETING

MARCH 14, 2012

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, March 14, 2012 at 9:43 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

APPROVAL OF AGENDA.

Mr. Rapozo moved for approval of the agenda as circulated, seconded by Mr. Chang, and unanimously carried.

MINUTES of the following meetings of the Council:

Council Goal Setting Workshop of January 24, 2012
Council Meeting of January 25, 2012
Public Hearing of February 15, 2012 re: Bills Nos. 2424, 2425, 2426, 2427, and 2428.

Ms. Nakamura moved to approve the Minutes as circulated, seconded by Mr. Rapozo, and unanimously carried.

CONSENT CALENDAR:

C 2012-69 Communication (02/13/2012) from the County Engineer, transmitting for Council consideration, a traffic resolution establishing a no-parking zone along a portion of the County access road in the vicinity of Vidinha Stadium soccer fields, Līhu'e District: Mr. Rapozo moved to receive C 2012-83 for the record, seconded by Mr. Kuali'i, and unanimously carried.

There being no objections, the rules were suspended for public testimony.

BRAD ROCKWELL, POWER SUPPLY MANAGER, KIUC: Good Morning, Chair, I wish to speak on Bill No. 2424, the Bill for an ordinance to allow solar energy facilities in the agriculture district.

I am Brad Rockwell representing KIUC, I am the Power Supply Manager for KIUC. Thank you for the opportunity to testify on this issue.

In summary, since my time is up, KIUC believes the amount of land required for additional solar PV projects is quite small in comparison to the amount of prime ag lands available for farming, and still believes the additional step that this bill as written will impose is unnecessary. Thank you.

Chair Furfaro: It is probably the intent of this Council today, possibly to defer your item. I will pose no questions to you, but this is the third request from this Council to KIUC, we are expecting you to give that testimony to the Planning Department for the purposes of understanding what your demands will be on agricultural lands. If I can pass it on to you, I hope you can comply to this request. Thank you very much.

Is there anyone else that wants to testify on any item on the agenda before we go to the first item today which is found in our resolution section?

COMMUNICATIONS:

C 2012-73 Communication (02/29/2012) from Vice Chair Yukimura and Councilmember Kualiʻi, transmitting for Council consideration, a resolution calling for a just and equitable solution at Kōloa Camp and for withdrawal of eviction notices by Grove Farm Company to allow for exploring of alternatives: Mr. Kualiʻi moved to receive C 2012-73, seconded by Mr. Rapozo, and unanimously carried.

RESOLUTIONS:

Resolution No. 2012-29, RESOLUTION CALLING FOR A JUST AND EQUITABLE SOLUTION AT KŌLOA CAMP AND REQUESTING WITHDRAWAL OF EVICTION NOTICES BY GROVE FARM COMPANY TO ALLOW FOR EXPLORING OF ALTERNATIVES: Mr. Kualiʻi moved to approve Resolution No. 2012-29, seconded by Ms. Yukimura.

Chair Furfaro: For the record please note the Clerk's Department has confirmed to me that we have one hundred forty-six (146) pieces of testimony both pro and con. As the introducer, would you like to have a moment to speak first Mr. Kualiʻi? Mr. Kualiʻi, the Chair recognizes you.

Mr. Kualiʻi: I just wanted to say that the reason for this resolution is we have been to several community meetings and in responding to the community concern that the tenants would like more time and more consideration and a way to work out the dire situation that they are currently in in being evicted. I do accept that it is a landlord-tenant legal issue that the landlord has every right to evict tenants, we just believe that the significance of this neighborhood being one (1) of the last plantation era communities and with the long time residents we just

RAYMOND CATANIA, PUHI RESIDENT: I am glad this resolution is coming to the Council. My name is Raymond Catania, I live in Puhi, I also work as a State employee for almost twenty-two (22) years, and I am just an ordinary working man. First of all, I want to give my aloha to the brothers and sisters of Kōloa Camp for fighting back. They are the ones that made me come over here, I have to be here in support of you guys.

As far as I am concerned, I did send in my email, my testimony, and this is a human right that every person deserves a home, especially working class people like ourselves who work plantation before or working right now, driving bus, cleaning this building, working in State and County offices; we deserve one (1) home. Everybody here deserve one (1) house. As far as I am concerned I support the brothers and sisters here. I believe they have over 2,000 names on their petitions. So as far as I am concerned, housing is a right and not a privilege, and an injury to one (1) working person in trying to survive, to me, is an injury to all. Aloha.

KEKOA DIZOL, KŌLOA RESIDENT: Good morning Chair Furfaro and Councilmembers.

Chair Furfaro: Good morning, Kekoa, you will have to introduce yourself with your full name.

Mr. Dizol: My name is Kekoa Dizol, I am a resident of Kōloa, I live on Wailani Road, that is the road to the camp. I have lived there my whole life and I currently reside there with my family. I have seen Kōloa and Po'ipū change before my eyes. It is killing me inside to see the place where I grew up vanish. Now one (1) of the things I love the most is planning to be destroyed. I am not the only one (1) who feels this way. There are families out there right now thinking the same thing. These families and friends I grew up with and are being displaced and will also lose this community they know. Today you guys will get a chance to hear a resolution. There is a way we all can win. We are not against putting fifty (50) homes, but we are against destroying homes where there is already lives and a history of Kōloa that can never be replaced. I believe you guys see it the same way. Please vote in favor for saving Kōloa Camp. Thank you.

Chair Furfaro: Thank you Kekoa.

GLENN MICKENS, RESIDENT: Thank you Jay. For the record, Glenn Mickens. Good Morning Councilmembers. You have a copy of my testimony, let me read it for the viewing public please.

Again as pointed out, Resolution No. 2012 states, it calls for a just and equitable solution at Kōloa Camp and requesting withdrawal of eviction notices by Grove Farm Company to allow the exploration of alternatives; I think that is

in this room and on this island to create those opportunities to extend Grove Farm's ability to create an affordable housing project. There are alternatives. The alternatives that exist are possible and it is a very reasonable request that I ask that you support this resolution. I know I have only got three (3) minutes and I ask that if possible if there is three (3) minutes at the end, I would like to summarize or fill in any gaps if there are any questions any of the Councilmembers might have.

Chair Furfaro: Kepa, let me ask you, are you currently actually a resident of one (1) of those homes?

Mr. Kruse: I am living there with my father.

Chair Furfaro: I will extend you another three (3) minutes.

Mr. Kruse: Thank you sir. I would just like to add before I finish my testimony, this is a book of two thousand thirty-four (2,034) signatures of registered voters the age of eighteen (18) and over from the island of Kaua'i. These are two thousand (2,000) people who are waiting to hear what the Council has to say, waiting to see the results of this housing issue. I agree it is very much a tenant-landlord issue and I understand the stance that this Council may take that it is a private matter, but there are two thousand (2,000) members of this community who are willing to stand-up and support and fight for their history and fight for these people who are trying to save their homes. Thank you very much for giving me your time.

Chair Furfaro: Kepa let me say that the reality is every two (2) years we are all exposed on our performance based on the voters outlook. But I want to make sure that you also understand that as Council Vice Chair Yukimura had stated, we have no legal powers to involve ourselves in a landlord-tenant issue, that is out of the jurisdiction of the Council. But it is also very important that you understand that certain conditions could find us in a position that it exposes the County of Kaua'i too against the other side of those rules; we have to be cautious of that. I think we have questions for you from some of the Councilmembers.

Mr. Kruse: Sure.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Good morning, Kepa, and thank you for being here. We have received a lot of information, some from emails, some from the press, and I just have a couple of questions just to the best of your knowledge.

Prior to receiving the termination notices was there any dialogue between any of the tenants and Grove Farm about alternatives prior to that?

win, it creates an opportunity for the entire community to win. I think that is what the goal of this is today.

Mr. Bynum: Thank you.

Mr. Kruse: Thank you.

Chair Furfaro: Mr. Rapozo and then Vice Chair Yukimura.

Mr. Rapozo: Thank you. Thanks Kepa for being here today and thanks for your community involvement. I had a question about the petition and I am assuming we will get copies of it.

Mr. Kruse: Definitely.

Mr. Rapozo: Did the petition include the copy of the resolution itself?

Mr. Kruse: It has a summation of the resolution.

Mr. Rapozo: What is the summation?

Mr. Kruse: Would you like me to read it?

Mr. Rapozo: Please.

Mr. Kruse: It says, we the undersigned residents and voters of Kaua'i support the Kōloa Camp tenants in their request to continue living and to purchase their homes at Kōloa Camp, the location of some of the original plantation housing for the oldest sugar plantation in the State. Even as Kaua'i develops and changes, we must honor and sustain the people who by their blood, sweat, and tears, and talent have created Kōloa Town and its sense of place. We call upon Grove Farm to withdraw their eviction notices and to work with the tenants, Peter Savio, and the County to seek a win-win solution for Kōloa Camp who pledge to stand with the tenants in their fight to save their homes.

Mr. Rapozo: We received a lot of testimony on both sides of the issue and we are getting them as we speak; a lot of them supporting the resolution, a lot of them are not supporting the resolution. I did have the occasion to speak to probably three (3) of the people that were in support of the resolution and when I clarified what the resolution actually said, that is not what they were supporting; they were supporting the Council resolution that would get Grove Farm to work with the community, work with them for a win-win. I would sign that, I would sign that today. I do not think anyone on this table is opposing to reaching a

well by some of the legal parameters that are set forth by law. I just hope, this is a difficult resolution for us to address here because if we do not support it we do not support Kōloa Camp, and that is not true. We have a legal obligation that we must comply with in addition to the emotional part of me that wants to go there and help. So I just want you guys to all understand that because I feel the passion.

Mr. Kruse: Can I take a moment to clarify?

Mr. Rapozo: Sure.

Chair Furfaro: Excuse me. Before you are given that moment, Mr. Rapozo would you pose that in a question because he has had his six (6) minutes. Can you pose that in a question?

Mr. Rapozo: I guess my original question was do you believe that the Council, the Kaua'i County Council, should be suggesting or endorsing the Administration to work with a specific developer?

Mr. Kruse: I think with the issue of specifics, Peter Savio was included to illustrate that alternatives do exist. If you read the resolution, clearly it will say it is not mandating anybody to work with them, it is just allowing access for anybody who may potentially have an alternative. Peter Savio is one (1) individual who stepped forward and offered to purchase the land at market value and give Grove Farm a fair and just deal for their land. This petition was started in December, and Peter Savio emerged throughout the last few months showing that alternatives do exist. For us to change what the petition said, to change the statement above it halfway through our signature process, I think that would have been unfair to people who had previously signed. So any amount of specifics were just to illustrate that alternatives are possible and there are people who have stepped forward and no way does the resolution call for any specific individual to have a greater access than another one (1). All it simply shows is that it is possible.

Mr. Rapozo: Can I just...

Chair Furfaro: I am going to give him another minute after you ask your questions because I extended him the six (6) minute time, but we are going to use this as posed as another question.

Mr. Rapozo: Thank you. Kepa, I was not referencing your petition, I think your petition is a good one (1) and I think I said that earlier. The petition was not my concern, I think the petition is going to help us. But I want to read that one (1) paragraph that says the Council requests Mayor Carvalho his Administration, and Grove Farm to provide appropriate assistance to Peter Savio, a

Chair Furfaro: Unfortunately these are my rules, I should have let you have the whole six (6) minutes if I extended the time to you before I let Mr. Rapozo do questions.

Mr. Kruse: Okay I appreciate it.

Chair Furfaro: I am giving you an additional three (3) minutes right now because you are a tenant.

Mr. Kruse: Thank you Chair. I guess to summarize, there is nothing that can be said that has not already been said. This resolution is about finding a way, a means to create a solution that benefits the landowner, which benefits the tenants, which benefits the greater community. The alternatives that exist are reasonable and they are within our grasp. Given that as of yesterday no permits have been applied for for this project, I feel that it is a reasonable thing to ask this Council. Maybe the specifics of the resolution are too in favor of specific individuals, maybe we can amend that. But at its core we believe that this resolution is for the people. This resolution is asking for the community to help Grove Farm, to help them achieve their goal of finding fifty (50) affordable units, a fifty (50) unit affordable housing project on the South Shore. It is about creating a chance to instill new roots into a community without chopping the roots that have been there, some for sixty (60), eighty (80), one hundred (100) years. I feel this is an important issue and this is treading on a subject which could possibly be handled in a judiciary system, but we live on the island of Kaua'i filled with aloha, with communities that support each other. This community holds each other together and this resolution is asking that that community can remain so that we can find more communities. I just do not believe that housing should be at the expense of housing that already exists. I appreciate that you gave me extra time, thank you Chair, thank you Councilmembers.

Chair Furfaro: Kepa, now I am going to pose questions from other Councilmembers to you. The first one (1) I will recognize is Vice Chair Yukimura.

Ms. Yukimura: Thank you Chair. Kepa, as a follow-up to Councilmember Bynum's question, if there were preliminary discussion prior to the eviction notice being given, did it include the option for protecting the community and finding a way for tenants to continue on the land?

Mr. Kruse: No.

Ms. Yukimura: Okay. So it was mainly about can we help you get out and off of the land?

Camp, which is directly connected to the first mill site, Waihohonu, which is a nationally recognized landmark, I think what that does is it takes the resources out of the land, it takes the people out of the land, it removes the roots that have been there. I do not see that as being a winning situation.

Ms. Yukimura: So what the tenants are asking for as a win for them would be to find a way that they can stay in that camp and also find a way that Grove Farm can produce fifty (50) homes for new homeowners? Is that right?

Mr. Kruse: Correct. I would like to clarify, as much support as Grove Farm...

Chair Furfaro: Excuse me, Kepa. Through this period you have to respond to the questions not expand more testimony.

Mr. Kruse: I apologize.

Chair Furfaro: That is just within our rules so let the question come from the person who has the floor. Vice Chair Yukimura.

Ms. Yukimura: The tenants themselves are willing to work on different solutions and give their sweat equity or whatever it takes to also make the solutions work?

Mr. Kruse: Several alternatives have been proposed, and I feel that the only way that the alternatives can be communicated is by passing this resolution to allow the channels of communication to be open. That is really what this is about, is opening those channels of communication so that we can address the alternatives.

Ms. Yukimura: Thank you.

Mr. Kruse: Thank you.

Ms. Nakamura: Hi Kepa, thank you for being here.

Mr. Kruse: Thank you.

Ms. Nakamura: My question is, and I received your testimony but really did not get a chance to review it thoroughly, but can you briefly describe some of those alternatives that you are referring to?

Mr. Kruse: Sure. The core of this resolution is asking to explore those alternatives, and one (1) alternative in particular which was

Mr. Kruse: Under the alternative that was discussed, tenants who have been living there and taking responsibility for over twenty (20) to thirty (30) years, would be able to purchase the land that they have cared for. These families include multi-generational homes.

Ms. Nakamura: So you would not be looking at increasing density, you would keep it at the current density?

Mr. Kruse: We would keep it at the current density and offer to build homes in the same plantation style of Kōloa Camp.

Ms. Nakamura: I see.

Mr. Kruse: It would have to retain its uniqueness, and its charm, and its character.

Ms. Nakamura: So the current assessed value, I was just looking at the real property tax, I guess it must be the entire twenty-five (25) acres, is about $3.3 million. Is that correct?

Mr. Kruse: $3.3 million. That is correct. That is for the entire twenty-four (24) acres.

Ms. Nakamura: That is for the twenty-four (24), so about roughly half of that you are looking at $1.5 to $1.7 million.

Mr. Kruse: Yes.

Ms. Nakamura: Are the current tenants willing to go that route and find the $1.7 million to then be able to preserve that?

Mr. Kruse: Yes. Individuals have stepped forward and come to the table offering a way to make this a reality, to make it happen. $1.7 million plus a few hundred thousand for...let us say $2 million divided up into twenty-one (21) lots, there are twenty-one (21) historical structures still remaining on the plot. As discussed in the alternative, we would create twenty-one (21) lots for the remaining tenants who are there and their families to purchase. Twenty-one (21) lots across $2 million is roughly $100,000.00 per lot, which is more than affordable, it is less than half of the price of Grove Farm's proposed affordable housing from $220,000.00 all the way up to $460,000.00.

Ms. Nakamura: But that would be just for the lot itself?

process. Then it goes through Council for final rezoning approval. So it is a very drawn out process.

Mr. Kruse: The proposed development that Grove Farm wants in Kōloa Camp is only a Class 3 Permit, so they do not require a public hearing, they do not require a flood study, they do not require an environmental assessment.

Ms. Nakamura: Because it is a R6 zone?

Mr. Kruse: Because it is a Class 3 and R6.

Ms. Nakamura: Yes, it is residentially zoned. The other parcel from what I gather from this conversation is not? Or is it?

Mr. Kruse: It is the same TMK number. When the parcel was split, the zoning changed hands; one (1) side R6, one (1) side ag. Now the ag side is flanked on three (3) sides by R6. It is R6, R6, and R2. So it would not be spot zoning and it is close to the town core, it is close to the amenities such as the ball park.

Ms. Nakamura: Yes I just wanted to point out there are costs and time associated, it is not a real simple thing.

Mr. Kruse: Understood. Thank you.

Chair Furfaro: Mr. Chang you have the floor.

Mr. Chang: Kepa, thanks for being here.

Mr. Kruse: Thank you for letting me speak.

Mr. Chang: You were born and raised in Kōloa Camp and if I am not mistaken, your dad has been there for thirty-two (32) years or what have you. So as you were growing up, did you realize that this arrangement was a month-to-month arrangement as far as the rent?

Mr. Kruse: I was blissfully happy in my youth growing up.

Mr. Chang: And the reason I ask that question is that I know your background, you were a boarder at Kamehameha Schools, and I applaud you for being twenty-nine (29) years young and understanding the process and being a driving force, because I can hear your intelligence. But at some point or

Ms. Yukimura: Other questions? Go ahead, Chair.

Chair Furfaro: Are there any first time Councilmembers that want to pose any questions to Kepa? No. Then I will go a second round. Is that you Mr. Bynum?

Mr. Bynum: Earlier you said you wanted to present at the end, is that because you want to be able to respond to any testimony from Grove Farm or the County Attorney?

Mr. Kruse: Over the last four (4) months I have done extensive research in the history of this land and the people, and any gaps that may potentially exist from our testimony from people who are willing to submit, I just wanted to have a chance to fill-in whatever gaps or answer any questions that the Council may have regarding testimony that happens after me. It is not necessarily to have the last word, all I want to do is...my goal here is to inform.

Mr. Bynum: Thank you.

Mr. Kruse: Thank you.

Chair Furfaro: Vice Chair.

Ms. Yukimura: Thank you. I guess it is hard for people to understand what kind of stress the community has been going through, and people want to stay but they think that maybe the only way that they will have a place to stay if they are kicked out is to work with Grove Farm. Can you maybe share with us what the community is going through?

Mr. Kruse: Sure. On November 8 when the eviction notices were issued, at the time two (2) weeks to Thanksgiving, holiday season, Christmas, these people are thinking about where are they going to live, not where are they going to put their Christmas trees. These people are thinking about where is my granddaughter going to grow up? Is my granddaughter going to have to grow up in Pa'anau? Is my granddaughter going to have to grow up in Kekaha? Are we going to have to apply for Hawaiian Homelands? A community like Kōloa Camp is filled with mostly seniors. I can read you the names and the ages of these people, these are people who deserve the utmost respect: John Kruse, 68; Joey Pajela, 66; John Patt, 65; Katherine Fernandez, 82; Eric Medeiros, 57; Doreen Jacintho, 60; Kenny Berwinkle, 72; these are just a few of the oldest members of the camp. It is filled with predominantly seniors, people who have been raised in that Kōloa Plantation lifestyle, and have spent their holiday season worrying about where they are going to live. I do not think that is a very respectful thing for a company to do, given that it prides itself as a kama'aina company that works with the people. That

I want to talk a little bit about property rights. The rationale for property rights is promote order and therefore the common good. In our culture we believe that the common good is achieved by the individual's decision and use for their property. But those rights are not absolute, they are tempered by law such as zoning and building requirements, and furthermore, they are dynamic. FEMA for example is now placing more stringent requirements on housing built in flood zones. So the landowner's rights are attenuated when they conflict with the rights of the taxpayers. Rights are one side of the coin, responsibility is the other. Responsibility is magnified when the landowner has extensive holdings. I will give you an example – a child who is riding recklessly a bike down the street is a danger to himself, to pedestrians, to motorists, but compare that with a semi-tractor trailer that has lost its breaks and is coming through Knudsen gap, the potential for damage is that much greater, so is the situation with a large landowner. When the large landowner does not adequately plan, the consequences to the community and to the taxpayer are proportionately greater.

This resolution is not asking Grove Farm to forego its rights but the community and the taxpayers have an interest in Waihohonu because it reduces what I call the practical affordable housing inventory, what we call real affordable housing, the affordable housing that people who write their checks and checkbooks, who punch time clocks, that is the affordable housing. This housing inventory is potentially being reduced by Waihohonu. The reason is, Waihohonu has not been well planned and does not have a clear path to completion. In less than four (4) months we have heard Grove Farm propose three (3) different access routes to Waihohonu. This means they have not done their due diligence, it changes about every five (5) weeks. The most recent access is going to require permission to enter the project through the bypass.

Chair Furfaro: John, just hold on a second, that is the first three (3) minutes, am I to understand that you are a tenant?

Mr. Patt: I am a tenant, sir.

Chair Furfaro: You have an additional three (3) minutes.

Mr. Patt: Thank you. Grove Farm is still insisting on evicting its Kōloa Camp tenants before it has even submitted plans to the County. Waihohonu will not be built without FEMA approval, at least the latter of the map revision. Due to the volume of fill required for the flood zone that fill will require hundreds of dump trucks rumbling through Kōloa and you can guarantee there will be local opposition to that. Approval for each of these projects, each of these aspects, will take time and they never come to fruition. This is why Grove Farm and Kōloa Camp can use this time to try and work out a win-win. What harm will come to Grove Farm for halting the evictions and seeking a win-win with Kōloa Camp as

Mr. Chang: So is that part of the arrangement that you can sublease a part of that?

Mr. Patt: I cannot say if it is in the lease or not. I have made handshake agreements with Mark Hubbard... this actually kind of evolved, a friend needed a place to stay and we put him up, and it turns out that his housing fell through, and so we said we have a spare room with an extra thing, and we do have commercial privileges so that is what we did; it was an extension of the commercial privileges.

Mr. Chang: So in addition to your commercial space and your home, you are subleasing a tenant that they can rent a portion of your house?

Mr. Patt: Yes. It is one (1) room, he has a separate entrance.

Mr. Chang: Okay. Because the true spirit of a camp and we are calling it Kōloa Camp, I am not really sure where camps were or did we just name it Kōloa Camp, or maybe someone could have said Grove Farm affordable housing rentals at one (1) time, but in the true spirit of a camp, now hearing that there is commercial activity going on in the camp, and now a tenant in your case needs a place to stay, but then you are subleasing out to somebody else, how long has that arrangement been going on?

Mr. Patt: The commercial or the tenant?

Mr. Chang: Maybe both.

Mr. Patt: I originally leased commercial, that is how I began, this school building was the Salvation Army Thrift Store so it has had commercial...and then what happened is then we got permission to use it as residential in addition. So it has historically been commercial use.

Mr. Chang: And in reference to subleasing to another tenant?

Mr. Patt: What simply happened, he lost his home, he asked us if he could stay for, it was supposed to be a few months while he secured another home, that other home fell through, and we said alright we are not using this space, we will rent it to you. It is very affordable, and it is very small, and it is very funky to be honest. But it is a home for a senior citizen who is not able to drive, he has access to shopping, he has access to services, he can walk to where he has to go.

Mr. Chang: Yes.

Mr. Patt: The Hongwanji Temple that burned down, the early school was martial arts, and then it was Japanese Camp C behind there; this is all connected, it is all a part of the same history.

Mr. Chang: Okay. And the point that I am making I guess, is that as many have mentioned even up to today, probably as we speak, we are constantly getting testimonies, and you mention having a nice friendly handshake at that time with Mark Hubbard I think way back when that is what it was. Prior to lawsuits, prior to paperwork it was like right on, aloha, and what have you. So I just wanted to get that. Did I ask you a question? Did you think they are good tenants (sic) or are good tenants (sic) up until these trying times? I beg your pardon, landlord.

Mr. Patt: A good landlord? Yes, they were a good landlord, especially with Mark Hubbard and Allan Smith. I have since had to butt heads with them sometimes, but we are trying to work things the best we can.

Mr. Chang: Okay thank you, Mr. Patt, thank you, Chair.

Mr. Patt: You are welcome.

Chair Furfaro: Thank you. Councilmember Nakamura you have the floor, followed by Mr. Rapozo.

Ms. Nakamura: Thank you for being here Mr. Patt.

Mr. Patt: Thank you.

Ms. Nakamura: I have a question about your request to halt the eviction or termination. How long, in your opinion, what is a reasonable time to halt the termination?

Mr. Patt: Well it is hard to say, but if Grove Farm does not have their permits, why not collect the rents for one thing, it is to their business advantage to collect the rents, and why not give us time to work things out?

Ms. Nakamura: So until they receive their building permit is that what you are saying?

Mr. Patt: Well that is one (1) way of putting them. But I would personally prefer to do this as quickly as possible. I do not think we should

Mr. Patt: Yes. But there is different rooms and different doors and different accesses.

Mr. Rapozo: And you have separate leases?

Mr. Patt: No. One (1) lease.

Mr. Rapozo: Okay.

Mr. Patt: But the portion that I sublet is down one (1) end, it is a room that was added on at one (1) end and the tenant has his own separate entrance.

Mr. Rapozo: So it is one (1) building that houses your residence, you live in the building?

Mr. Patt: Yes.

Mr. Rapozo: And then there is your, what do you do? Pohaku Tees you said?

Mr. Patt: Yes. So I use a portion of it for my design studio for our office, we use extensive parts of the building for warehousing, warehousing probably takes up the most space, and then we use the small part for where we basically have a kitchen and a bedroom. The rest of it, most of it, is for commercial space because there is very little storage space in our store, so we store everything at the school building.

Mr. Rapozo: The school building is separate though?

Mr. Patt: No. The school building is the building I am talking about.

Mr. Rapozo: So what is the Kōloa Early School that you were talking about? Is that another...

Mr. Patt: Kōloa Early School is a separate entity, it is a separate tenant. They do not rent a building, they rent yard space.

Mr. Rapozo: Okay.

Mr. Patt: They are a land tenant not a building tenant.

Chair Furfaro: Okay. Thank you.

Mr. Patt: You are welcome.

Chair Furfaro: Mr. Chang you have the floor.

Mr. Chang: Thank you Chairman. Mr. Patt, that was one (1) of my concerns was the playground, that was one (1) of the first things that I was very interested in. In the realm of smart growth if you will, the access around where you are at and Kōloa School, being able to walk to a bank or to shopping centers as you know, a floral store, a wine shop, as you know and you are very familiar with...

Mr. Patt: Fish Market.

Mr. Chang: Yes. That was very, very, very much of a concern for me, but I do not know if you recently talked to the developer because that was one (1) of my big questions, because I was concerned for the playground and maybe when they come up. From my understanding, the whole module shifted a bit in which case the early school will not be deterred from that playground that exists a safe distance away.

Mr. Patt: This I do not know but I am going to say again I have not heard this. Grove Farm's plan keeps changing. If they are not going to do that then it has changed again and this is what the point I made with the access road, they have changed it three (3) times. Now they are changing this, now they are going to go to the Planning Department and how many times are they going to change it? The only thing they are certain about is: let us kick the tenants out. That is the only thing that they are certain about, everything else is in flux. Let us resolve...get the plan, Grove Farm should do their due diligence, they are a large land corporation and they owe the community and the taxpayer due diligence, and then deal with the tenants.

Mr. Chang: I understand. And yourself personally, are you a landlord? Do you own property and rent property out?

Mr. Patt: Yes.

Mr. Chang: So you have a house or a condo?

Mr. Patt: No, two (2) condos.

Mr. Chang: So if you all of sudden decided to put your condo up for sale, and you had long-term tenants, or you had an agreement that it

eighty (80) years old, and the house that is built now I had chosen to have one (1) story rather than a two (2) story. There was issues during the time that we had to build the house because we wanted to be able to afford it during that economy of the Iniki and that (inaudible) that we were in the middle of nowhere of ocean, and to get work, this is a woman. Not only that but my mom was a single mother, so now we have a great-grandmother, a grandmother, a mother, and a child in the house, so I can help to provide for my grandmother. It is not an affordable housing when you have to rebuild for an elderly and my uncle is a (inaudible: semi-captain) which is John Kruse, so I know in the future the cost will rise especially because you have to deal with medical and the rising cost of electricity, and especially the property taxes. I was part of the landlord issue with the house, because my grandfather groomed me to know carpentry, maintenance, so I maintained the house throughout their life and I am thirty (30). So I know what boys can do yard work, carpentry, and plumbing, and all of that. But my grandmother thinks she needs to go elsewhere because the price has rised for everyone because they want more money to make their living. It is not affordable when you have to rebuild a house even if it is $60,000.00 or $90,000.00, it is still a lot for them. And for the women that had to move out, my uncles are trying to convince my grandmother, like evicting her, to move out from the house so that they can take care of her because it is safe, but the community she lives in and the people that have moved in, like John is a new resident there. Even if it is for twenty (20) years she feels safe around them, she does not want to leave. So even if she left, the intent was not from her it was from their landlord which is my uncles (inaudible) to the house because now her name is on it because my grandfather passed away, I still have to take care of her, I am still the landlord. I do not want her to move out. That is the same thing with my uncle, I do not want him to move out and now there is two (2) generations in his house, and yes, it is Kepa's house as well, but you learn to value it and you take care and you maintain it, it becomes yours. It is a month-to-month, and they did have to learn about that in the past few years but I think it was abrupt that they had learned that they have to move out and get evicted. It takes time, it takes planning and processing to get to that point, so it would have been nicer if they knew way ahead before just getting one hundred-twenty (120) days eviction. There was planning way before that. That is what I wanted to share. Thank you.

Chair Furfaro: Thank you. The next speaker was?

PHOEBE ENG, WAIMEA RESIDENT: I am in support of this resolution. I thank our Councilmembers for lifting us up into a conversation where we can really prove what Kaua'i as a community is. This resolution poses a simple ask to the Council. It merely allows the Council to show its moral leadership. The question before each of you is how much are you willing to stand on the side of humanity and the Kaua'i people and the preservation of Hawaiian lifestyle? How willing are you to guide us, your constituents toward a culture that prioritizes human life above bottom line and deadline driven reasoning where intangibles such

am not going to overstep my legal boundary as a Councilmember and do what I believe is illegal, I am not going to do that. So you may not be satisfied with my amendment but I can tell you that it does capture the spirit of what I think we are all trying to do which is reach a resolution. I do want to ask you a question because you referenced the month-to-month, and I agree, I myself got evicted out of my business space a few years ago, and I will say it, from Shell Oil. They gave me thirty (30) days. I wish the Council would have come up and said hey Shell Oil stop your eviction of Mel Rapozo because he is a small business owner, he is part of the backbone of small business, but I did not expect that because I think that is a private issue. I think the philosophy is a good thing, that thirty (30) days I ended up having to get an attorney to get it extended for ninety (90) days and then one hundred twenty (120). But you mentioned something that I wholeheartedly agree speaking to the guy that was the advocate to save Kapaia Bridge Swinging Bridge because of its cultural historical value, because of its tie to the community and the plantation. We did not get much support of that. In fact, people said that was too much money to preserve culture. But I do not think the culture, and again a lot of the testimony we are receiving is brand new. I am surprised to hear about the commercial leases and subleases; that is not the plantation camp culture. Would you agree?

Ms. Eng: Would I agree with?

Mr. Rapozo: Would you agree that in fact when you look back at the culture of our plantation camps, it was not set-up to have businesses in the camp and then to sublease; it was to house the camp workers. I am asking yes or no.

Ms. Eng: Yes, these are questions that further discussion between the parties will be able to work out.

Mr. Rapozo: I guess I am trying to understand your, because you referenced the culture, and I agree I think we need to preserve whatever we have because once it is gone, it is gone. I am kind of concerned when I hear that we have commercial leases going on in these camps.

Ms. Eng: Right. This would be a discussion, I feel. This would be a discussion that needs the kind of work out that this resolution provides. I will also say, Councilmember, that if there were a strong community, I wish that you would have had a community behind you to fight on your month-to-month lease with Shell. So this is the kind of thing when you talk about plantation culture. What was developed at the Kōloa Camp is ʻohana, it is sticking up for one (1) another, it is finding ways forward, and yes there is a lot of back and forth. The land is used in all kinds of ways that support life, that support family, that support sustainable and perpetual ways of living together. So those are the kinds of things

Mr. Rapozo: The only other question, Mr. Chair, is if you have your testimony? I do not believe if I saw yours in all those that I have read.

Ms. Eng: I can type it up.

Mr. Rapozo: Okay. Or you can send it to me at a later time.

Ms. Eng: Okay.

Mr. Rapozo: Thank you very much.

Ms. Eng: Thank you.

Mr. Rapozo: Thank you Mr. Chair.

Chair Furfaro: Phoebe, thank you very much. To the audience, I am going to take a ten minute break at this time, but I do want to announce to those who might have come in earlier, my intention is going to be to continue with testimony from the public, then have an opportunity to hear from Grove Farm, and then hear from our legal counsel. We are going to take a caption break right now before we put you on the live mic. Ten (10) minutes, it will just be ten (10) minutes please.

There being no objections, the meeting recessed at 11:27 a.m., reconvened at 11:40 a.m., and proceeded as follows:

(Mr. Bynum was noted as excused.)

Chair Furfaro: We are back in session from recess.

There being no objections, the rules were suspended.

Chair Furfaro: Marty you have the floor.

MARTY KUALA, RESIDENT: (Inaudible) across from the proposed Kōloa Camp development for thirty-two (32) years. I urge you to vote yes on Resolution No. 2012-29. I understand private property rights and landlord-tenants relationships, in fact I am a landlord. But the situation in Kōloa goes beyond rights and relationships and it has a good chance of being resolved to the satisfaction and benefit of all parties. In addition, eviction of the tenants is very premature at this time since Grove Farm does not have a plan before the County. The Kōloa Camp site plan has many problems to overcome such as excess traffic on Wailani Road, plus their plans to add extensive fill to bring the camp to above flood level which

Chair Furfaro: Yes I would. Scott, could we collect that copy of the testimony? May I ask, is there any questions regarding Mr. Abrams testimony? Thank you very much. Again I am looking for people who have not signed up to testify; as we are moving forward, this is my third request. You can sign up at the podium and the next order who do we have please?

CRAIG CONTRADES, RESIDENT: There is something disturbing about this resolution. I just do not see how this is any business of the legislative or administrative bodies of our County. We have a lot of double speak going on here. There is talk about a non-binding resolution and yet much of the testimony is talking about what the Council will do even in this non-binding resolution. Mr. Chairman, you talked about bringing in the County Attorney. I do not think there is a lot of wisdom in putting the County at this kind of risk, it is excessive litigation as we all know and I do not see how this is valid. My grandfather ran the Kapaʻa Cannery, my father grew up in the plantations, I used to spend my summers in Makaweli Camp with my cousin, none of my friends that I grew up with were not touched directly with the plantation life, and it's pretty much gone. That is a sad thing. The remnants in Kōloa Camp or the people remaining there are not involved in the Plantation, not directly, except for one (1). I get what is going on here, this is politics, I get that. But how many people have lost their homes in just the last few years during this economic downturn? Are we going to intervene for them too? There is a mortgage crisis going on. When we use words like just and equitable, the insinuation is that the present course of action is not just and equitable, that is basically what you are saying because you are searching for one (1) that is, insinuating that the one (1) that exists is not. How many landowners are actively involved after evicting their tenants in seeking out living conditions for their prior tenants? Is the Council going to decide and pass a resolution deeming what is best or in the best interest of not just the people involved but also in Grove Farm's daily operations? If Grove Farm makes a mal-investment, is the Council going to intervene? If they build these homes, is the Council going to intervene and help out Grove Farm? Lots of people are losing their homes. I understand the sentiments, this is a very emotional thing and lots of people are losing their homes, but I do not see how this is the kuleana of this particular legislative body to pass resolutions, although non-binding, intervening in the operational affairs of a private landowner.

Mr. Topenio: Three (3) minutes Mr. Chair.

Chair Furfaro: You can summarize if you would like.

Mr. Contrades: I just did.

Chair Furfaro: Let me share some comments as Chairman of this Council. It has been my practice to have this Council participate in issues within our community because we are the steward. Your comments about the

Mr. Contrades: However emotional that tenant might be about it.

Ms. Yukimura: Alright. The thing is that this resolution is not deeming anything, it is not saying this shall be or this shall be, it is just asking the parties to sit down. Do you feel that that is wrong?

Mr. Contrades: Absolutely. This is not the kuleana of a legislative body. Let me explain something. I read a little bit about how our Country was founded, separation of powers exist very clearly – judicial, legislative, and administrative. If there is an issue with that camp, I have heard about the duck or something, pass a law, allow the appropriate agency to enforce that law, and the relative powers are preserved. To use a legislative body to come up with a resolution however non-binding quote un-quote, it is I think is problematic. Where do you stop? Are you going to do this for other landowners or other tenants that are losing their homes? While I was back there I did a google search; back in November 4, 2011 there were about two hundred (200) properties on Kaua'i that were distressed. Are you going to help them?

Ms. Yukimura: Yes.

Mr. Contrades: Really?

Ms. Yukimura: Yes.

Mr. Contrades: You are going to have resolutions helping...

Ms. Yukimura: There are different ways to respond to problems out in the community, some may be laws and others may be resolutions. This resolution is respecting Grove Farm's rights, it is just asking them to be who they say they are which is a triple bottom line company. So there are different ways to respond.

Mr. Contrades: So that presumes that what Grove Farm has been doing is not in keeping with what you just asked for.

Ms. Yukimura: What Grove Farm has been proposing is cutting people out, and we are just asking them to see if there are ways to keep people there but also achieve Grove Farm's goals as well.

Mr. Contrades: Well in your (inaudible) and the record will show this, you used terms like protecting the community or just getting people out;

brought the first steam plow and he worked for Grove Farm for four (4) years to pay off the passage for his family coming. I am named after my great grandfather's brother. My son is named after me. I strongly urge you to look into your hearts, maybe that resolution has to be amended. I think sometimes we forget that when we look forward and we are going forward and times are always changing, we have to look at where we came from. I think you have the power and you have the community at heart to do whatever is the right thing. If you have any other questions I can answer, fire away.

Chair Furfaro: Members, questions for Mr. Kruse? John, thank you very much.

Mr. J. Kruse: Aloha.

Chair Furfaro: John, Councilmember Nakamura has a question.

Ms. Nakamura: How many homes are there now on the twelve (12) acres?

Mr. J. Kruse: How many homes with people living in them?

Ms. Nakamura: Homes, housing structures.

Mr. J. Kruse: On the real property list it says there are eighteen (18) structures in that whole enclave of the 24.275 acres, nine (9) families live there, thirteen (13) leases. Leases are by people growing vegetables, by cut flowers, by chickens, dog kennels.

Ms. Nakamura: Of those eighteen (18) structures, in your opinion, how many do you think can be restored and how many are beyond restoration? It could be just your best guess.

Mr. J. Kruse: All of them probably could be restored, but how do you want to restore them back to livable conditions or is that what you are trying to get at?

Ms. Nakamura: Yes.

Mr. J. Kruse: Well that is a hard one (1).

Ms. Nakamura: Okay.

an owner wants to sell, it is not uncommon to offer the first right of refusal to the tenant, that is just good form in landlord-tenant relations. There have been public meetings in Kōloa to discuss the situation, two (2) with Grove Farm and one (1) with the Mayor; the residents facing eviction are actively pursuing all avenues.

Mr. Topenio: Three (3) minutes Mr. Chair.

Ms. DiPietro: I will sum up. They are pursuing all avenues of alternatives for a win-win. The State Senate voted almost unanimously to support a resolution introduced by Senator Clayton Hee to preserve Kōloa Camp and a companion resolution will be heard in The House. Folks from the outer island are weighing in on this matter too. This is much more than just convenient zoning, alternatives do exist, and mahalo to the County Council for introducing this resolution. Thank you.

Chair Furfaro: Any questions for the speaker? Mr. Chang.

Mr. Chang: Jeri, thank you for coming. I inquired and I happened to see a list of potential buyers or those who are maybe interested, and if I am not mistaken, there is about fifty (50) or sixty (60). Do you realize that some of the existing tenants are on the top of the list as far as the first right of refusal?

Ms. DiPietro: Well yes, but that is for the new homes the pre-fabricated models that have been talked about being shipped in from China. That is one (1) list, but I think the first right of refusal should be to buy their homes on the land.

Mr. Chang: Okay I understand.

Ms. DiPietro: These homes are all on beautiful large pieces of land, manageable, but large enough to actually have...community have gardens; there is room perhaps in the camp to add a few parcels and a few homes in. But we really think there are other alternate sites that would actually better serve a fifty (50) home neighborhood as far as ingress and egress.

Mr. Chang: Okay. Thank you.

Chair Furfaro: Thank you. You have a question? Go right ahead.

Mr. Kuali'i: Hi Jeri, aloha and mahalo for being here. Just one (1) quick question, you mentioned the Kōloa-Po'ipū Town Plan Update, and you also showed us a picture of the school house. In the existing plan, has the community identified the camp in any way, and if not, do you think that was an

ag to R6. I was wondering, was that his personal testimony? Does that come from the Community Association?

Ms. DiPietro: That idea actually came from the community outside of the Community Association in these meetings that we have had at the neighborhood center. When you have the maps' out this was identified' and as we looked into it further' it was the right size, I think it has similar TMK numbers' and that we realized it would be something that could be rezoned without having to go before the Land Use Commission because it is an appropriate size, it is owned by Grove Farm, and it seems to fit the other criteria in some ways even better than trying to remake...

Ms. Nakamura: So the Community Association would support a rezoning?

Ms. DiPietro: Yes, we would.

Ms. Nakamura: Thank you very much for that clarification.

Ms. DiPietro: Thank you.

Chair Furfaro: Any other members? If not, I have a question. With the Kōloa Community Association being more familiar with the Kōloa area than I am as coming from the North Shore, do you know if when the road was redirected through there that that actually cut that tax key map item in half and thus exhausted the one-time subdivision rule for that parcel?

Ms. DiPietro: You know I am not exactly sure. That point was brought up, but I believe that it was in favor of us being able to easily rezone it. I would have to probably, Louie would be able to answer that. It did fit the criteria that we were looking for; even with that road going in there to divide it, it was still suitable. Thank you, that is a good question.

Chair Furfaro: Thank you. If not, thank you very much for your testimony. Next speaker please?

KEN TAYLOR, RESIDENT: Chair, members of the Council, my name is Ken Taylor. I am here today speaking in favor of this resolution. I think historic preservation is a very important part of our economic future. This resolution would give us an opportunity to take a look, a deeper look into the preservation of this site. I think it is a very important one (1). It also gives us an opportunity to look at affordable housing. We have here, the County in the past and today and into the future is going to be spending a lot of time and a lot money on affordable housing. We have here affordable housing that can increase and at the same time this project

cherish these things and continue them on into the future and have people understand that this was the past and that is taking us to where we are now. That is why I am supporting this resolution. There are other issues that I kind of, there is some rebutted to. You could say should the legislature be involved in tenancy kind of issues? Well, go back and look at what happened to Bishop Estate where Kamehameha Schools having to sell off Hawai'i Kai. I mean that was a legislative thing that occurred. So yes, there is a balance but there is precedent at the same time. There is a lot of things, I am just speaking I have no written testimony other than the resolution here and I am just listening to people and responding and just speaking from what I feel. I have lost faith in a sense with Grove Farm who I grew up with and thought was a very good local company that understood the people and kind of backed up their employees or people that have worked for the company or whatever; not necessarily with the company but I think more with the leadership style that has come across. I have lost faith. I have lost the trust.

Chair Furfaro: Dennis, that was three (3) minutes so I need to let you summarize.

Mr. Chun: So I think I support the resolution. There may be some legal issues that need to be addressed, but I think I support it from a very moral and philosophical position. I think there is precedent intervention or at least getting the dialogue going. I think the leadership of Grove Farm should be a little bit more sensitive to the community. Just because they are landlords it does not make it right. That is just kind of the best summary that I can come up with at the time.

Chair Furfaro: Thank you. Let me see if there are any questions of you. Any questions of Dennis? Thank you very much for your testimony.

Mr. Chun: Mahalo.

Chair Furfaro: A conclusion has come of our registered speakers and I am just going to ask one (1) more time before I bring up Grove Farm, is there anyone in the audience who is unregistered and would like to speak? Come right up sir.

JAY K. CLARKE, RESIDENT: My name is Jay K. Clarke. I am here to support the resolution. But one (1) of my fast friends from four (4) or five (5) years old is John Kruse. In hearing the testimony I was educated on how well the democratic works. To have this discussion is marvelous. What became apparent to me is nobody spoke to the contribution that the tenants have made over the forty (40), or fifty (50), or sixty (60) years they have lived on this property. Physically they have kept the roads clear; when a storm comes through, they clean-up, they

Kōloa area, if you take a look at Waikomo Subdivision, Waila'au, and even where Wailani Road is, there were camp homes spread out through there. It has been a natural progression to improve the homes and build new homes for people to live in. So there has been the natural progression throughout Waikomo and even next door to the camp along Wailani Road that was a subdivision that was created as houselots and people were able to build and are now very proud to, from what we can tell, happy to live in Kōloa. Continuing that transition, we get to Kōloa Camp which is in the Urban District, General Planned Residential, zoned residential to put in a project that we are hoping to get up to fifty (50) Kōloa families in there.

To go over our communications with the tenants, I started speaking to them about this project late October of last year. I was able to meet with each of them individually and then we submitted the...sent out the notices and we gave everyone four (4) month notices. During the initial conversations we talked about the project, what we are trying to do, we offered everyone the first right to purchase in the project, and we are creating this priority list and it starts with the tenants, any family members, any friends that they provide to us; that is the core of the priority list for purchase in this new project. And then from there we want to expand to the surrounding community. It is quite a unique opportunity where basically you are starting with the tenants, and the surrounding Kōloa community basically dictate who is, or at least recommending who gets, the first right to purchase in the project. Right now all of the tenants, they are renters, and basically as landlord-tenant is we provide the housing, they pay us rent, and that is the very general agreement. Once you pay rent that is it. I imagine most of us have rented, you pay a rent, and this is it. You do not earn equity. What we are trying to do is convert everyone from a renter to a homeowner, because the home ownership, that is what we can truly pass on to our children, our grandchildren, that is what we are trying to create in this situation. We did advise everyone to please contact the County Housing Agency right away to look into programs for assistance, look into how to become homebuyer ready. This Council and Administration has done a tremendous job pushing to get housing...there is a lot of programs and assistance that can be taken advantage of. There was one (1) couple that moved out within about a month and they are very gracious and sent us a thank you letter for the many years that they had been renting there, and also expressing their interest to purchase in the new project. We do have a house in Līhu'e right below Wilcox Hospital that is available, and we have made that house available, and we have a tenant that should be checking it out perhaps as early as this afternoon again. Hopefully we can get her and her family into that house and we have offered her to, we are offering to donate the existing house to her so she can move that to another lot that she owns elsewhere.

Mr. Topenio: Six (6) minutes Mr. Chair.

Mr. Hinazumi: We have communicated from the beginning with each tenant and we have also had, we held a community meeting in December,

Ms. Nakamura: Thank you Chair. Since my husband worked on some of the legal documents, I would like to recuse myself from this matter.

Chair Furfaro: You are noted as recused. May we read that item please.

(Ms. Nakamura was noted as recused from C 2012-54.)

There being no objections, C 2012-54 was taken out of order.

LEGAL DOCUMENT:

C 2012-54 Request from the Office of the County Attorney for approval of the Grant of Pedestrian Access Easement and Cancellation of Portion of Easement 16, made by and between Kaua'i Lagoons LLC, a Hawai'i limited liability company, and Mori Golf (Kaua'i), LLC, a Delaware limited liability company, and the County of Kaua'i, concerning property identified and being further described as Tax Map Key Nos. (4) 3-5-01:27, 172, 173, and 174.

- Grant of Pedestrian Access Easement and Cancellation of Portion of Easement 16: Ms. Yukimura moved to approve C 2012-54, seconded by Mr. Chang.

Chair Furfaro: Thank you very much. First before I go any further, I do want to thank the applicant for providing some excursion services to members of the Council that wanted to get re-familiar with the parcel; that was very much appreciated.

Ms. Yukimura: Yes.

Chair Furfaro: On that note, I would like to suspend the rules and bring the applicant up if I can.

There being no objections, the rules were suspended.

IAN JUNG, DEPUTY COUNTY ATTORNEY: Good afternoon Council Chair and members of the Council. I do not know if you wanted, I guess technically we are the applicant since we put the request in, but I do not intend our office or you want...

Chair Furfaro: I will tell you whoever the applicant was.

Mr. Jung: Well we made the formal request.

- An annual (2011 calendar year) synopsis of construction activity in the County of Kaua'i as reflected in the building permit information that is normally provided to the Council on a monthly basis.
- A projection of construction activity in the County of Kaua'i for the 2012 calendar year: Mr. Chang moved to defer C 2012-63, seconded by Mr. Kuali'i, and unanimously carried.

Chair Furfaro: Because our calendar was sometimes confusing today and we had a technical flaw in the beginning, and two hours and fifteen minutes on the Kōloa resolution, I assume that the County Engineer's Office is anticipating a later agenda item, so would I have staff members please call them and let them know when we are finished with Kōloa, they will be the first ones up to bat. On this one (1) I would like to just go to the next particular item.

C 2012-70 Communication (02/15/2012) from Bev Brody, Island Coordinator, Get Fit Kaua'i, transmitting for Council information, an update on the County's Complete Streets Policy adopted via Resolution 2010-48: Ms. Nakamura moved to defer C 2012-70 to the April 11, 2012 Council Meeting, seconded by Mr. Chang, and unanimously carried.

Chair Furfaro: I do want to point out to the members that we did get a request for a deferral to April 11 date and time specific. Thank you very much, next item.

C 2012-71 Communication (02/22/2012) from the Housing Director, transmitting for Council consideration, a resolution authorizing the filing of the Kaua'i County 2012 Action Plan with the United States Department of Housing and Urban Development and Appropriation of Funds for the HOME Investment Partnership program: Mr. Rapozo moved to receive C 2012-71 for the record, seconded by Mr. Chang.

Chair Furfaro: There has been a motion to receive and a seconded, discussion members? Anyone in the audience wanting to testify on this item? Seeing no one, Mr. Rapozo.

Mr. Rapozo: Mr. Chair, I am assuming that when we get to the resolution the Housing Agency will be here?

Chair Furfaro: That is my anticipation as well.

Mr. Rapozo: Thank you.

Chair Furfaro: Another call to Housing as well so we can get a little bit more copacetic here today, a Waianae word for balance.

Chair Furfaro: We are on Salary Commission resolution, is there any public testimony? Seeing none, I will call the meeting back to order. Members discussion? Yes Mr. Rapozo?

Mr. Rapozo: Mr. Chair, well first of all I would like to thank them for getting it to us before March 15.

Chair Furfaro: I will second that.

Mr. Rapozo: That is a good thing. Now I am assuming there is, this Council has to take some sort of action. I guess the best thing would be, because I would really want to have some discussion, I do not want to have it today. Is there any way we can have this referred possibly to the Committee of the Whole to have some discussion? I do not see anybody here from the Salary Commission. I would assume that someone would have been here to discuss the...

Chair Furfaro: I will ditto that, but we have no one from the Salary Commission here.

Mr. Rapozo: So if there is no objection I would make the motion to refer this to the Committee of the Whole. We do have, I believe we have thirty (30) days, correct? Sixty (60) days to take action and I do want to have some discussion with the Salary Commission or the Administration because this resolution does again, is set to freeze some salaries and I just kind of want to hear the rationale, and I kind of want to have a general discussion if it is not a problem.

Chair Furfaro: So we have a motion and you want to refer that to my committee, the Committee of the Whole?

Mr. Rapozo: In the Committee just so we can have that discussion; I do not want to tie up today's calendar with any more time on this. So if there is no objection, I would make a motion.

Ms. Yukimura: I will second.

Chair Furfaro: Do we have a date specific that you want to take it to?

Mr. Rapozo: I will refer it to the Committee of the Whole which is on March 21.

Chair Furfaro: Two (2) weeks from now.

There being no objections, the rules were suspended.

MIKE DAHILIG, PLANNING DIRECTOR: Good afternoon Mr. Chair and members of the Council, Mike Dahilig for the record. We are requesting the Council's approval to apply for CLG funds to support the Kaua'i Historic Preservation Commission in its desire to start cataloging a lot of the historic properties. What we are looking at trying to do with the funds eventually is part of the proposal to DLNR; I am sorry I am a little winded.

Chair Furfaro: Did you run?

Mr. Dahilig: Yes I did run.

Chair Furfaro: I am impressed. I am impressed. We called, you ran.

Mr. Dahilig: I need to run anyway. I guess part of the desire is to maybe look at trying to work at actually digitally cataloging the information so that it will eventually be uploaded and layered to a GIS type of mining format. So that is the request before the Council this afternoon.

Chair Furfaro: Members, any questions for the Planning Director? Go right ahead Councilmember Nakamura.

Ms. Nakamura: I guess this is just more of a comment, but I just think that the Historic Preservation Review Commission does important work for this island and I am glad that we are taking advantage of these outside funds. I believe we are only one (1) of two (2) Counties who have access to these funds.

Mr. Dahilig: That is correct.

Ms. Nakamura: I am just glad that we are taking advantage of this resource. Thank you.

Chair Furfaro: I would like to also say my compliments to the Department, and if we get the money, I will run a lap with you.

Mr. Dahilig: Okay.

Chair Furfaro: Any other questions for Planning Director? None. Thank you Mike.

Mr. Dahilig: Thank you.

discuss this morning in the pressure of everything else, so I look forward to hearing her comments and thoughts.

Chair Furfaro: Before I recognize Councilmember Nakamura, we are asking to approve what you propose is the draft.

Ms. Yukimura: I am submitting it as our proposed goals synthesized from our workshop, but it is certainly open to amendment so that it truly reflects the Council's purpose. But I just thought it would be good to have a completed document instead of just being part of the minutes; it is something that we can refer to and use as a guide.

Chair Furfaro: I will recognize Councilmember Nakamura first and then you Mr. Rapozo.

Ms. Nakamura: Thank you. Thank you to Councilmember Yukimura for taking the minutes and putting it into this format which I think is more useful. I also wanted to, the amendment that I have before you makes a few changes. One (1) is that when we placed dots next to our priority goals, I wanted to put it in the order of the goals that had the most dots just to give a sense, I think all of them are important, I think we arrived at that agreement but just to show the order of priority. Some of them, two (2) of them with the same number of dots, three (3) of them with the same number, but it gives us a better sense of where we would like to see the Administration focus. The other thing that was left out of the original list was the incremental expansion of the Kaua'i Bus which somehow was left out of the discussion. I think this includes all of the priority projects that Councilmembers identified. So it is just sort of re-ordering and adding the incremental expansion of the Kaua'i Bus. I did some wordsmithing on referring to the comprehensive economic development strategy since that is what we refer to it, that report, the economic diversification report. So I just made a few clarifications and re-ordering, but I think most of what Councilmember Yukimura put in there was retained in this amended version.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: I just had a question. I asked the Deputy Clerk to go get whatever the report was from the facilitator that we hired. I may have just not seen it, I may have missed it, but I was curious if she had put together a report of what the results were. If that did come, I apologize I did not get it, so I just asked the Deputy Clerk to go get that, whatever she provided. I had assumed that we were going to get some sort of recap from her because my memory is not as good as many of you, I would need to refresh. The Deputy Clerk is getting that right now for me. Vice Chair did you want to add anything to that comment?

Mr. Rapozo: Yes. Thank you.

Chair Furfaro: You folks should know that those notes I shared in advanced of the Budget with the Mayor's Office.

Ms. Yukimura: Thank you.

Chair Furfaro: So that he had some awareness of the purpose of our workshop and those items that...and I will not use the higher dots, I will use the term la crème de crème, that cream that floats to the top. So they did get the copies.

Ms. Yukimura: I wonder if we could just have, just defer this issue so that we can have a re-write of the amendment basically to reflect what we have just talked about.

Chair Furfaro: That is fine. You are talking about deferring it for today...

Ms. Yukimura: No, deferring it to the end of the agenda or...

Chair Furfaro: But you are going to be gone at the end of the agenda, or at least that is what I read in your request.

Ms. Yukimura: Actually depending where we are in the meeting, I have to choose my priorities. I would intend that this be passed by the end of the day, and actually you probably do not need me to be here either.

Chair Furfaro: So we will come back to this item then. Is that satisfactory to the members?

Ms. Yukimura: Thank you.

Chair Furfaro: Councilwoman Nakamura has agreed to make the changes. Mr. Bynum did you want the floor?

Mr. Bynum: I apologize for being late. I think this accurately reflects the way you have made these changes, and it accurately reflects the decisions that we made. I assume that was the intention (inaudible) doing it this way, and so I am not, excuse me, but what are you suggesting differently?

Ms. Yukimura: May I explain?

Chair Furfaro: You have the floor Vice Chair.

Chair Furfaro: So Mr. Rapozo asked for an amendment, Mr. Bynum has now seconded that amendment, any further discussion? Vice Chair Yukimura.

Ms. Yukimura: It is puzzling to me to say that the Solid Waste Management Plan is more than the Kaua'i Bus or the provision of affordable housing. So I just think because this is an important list, it gives guidance to us and to the public when they read it, then it is much clearer if we just list all of our goals. These are all of our goals, we are not going to wait for one (1) to be accomplished before the other, and we are going to work on all of them. So, this is a goals document, we need to show as clearly as we can what our intention is.

Chair Furfaro: Any further discussion as we have an amendment on the floor that has been seconded. Mr. Rapozo.

Mr. Rapozo: I would just call for the question on the amendment.

Chair Furfaro: Okay. Mr. Bynum.

Mr. Bynum: I just want to say, to anyone in the public when you hear us talking about "dots" we went through a process that is used by many facilitators and it has validity, and it takes a group decision and it weights priorities. I do not think this is a major issue but this amendment accurately reflects the outcomes that we did that day. It is not to say that the Kaua'i Bus is not important, but when we went through that process these were the priorities. We are still going to work actively on all of these because they are important to all of us, that is the other thing of this process that we have identified. All of these are really important processes, but the process kind of lets some things move to the top and this amendment accurately reflects that. Thank you.

Chair Furfaro: I am going to give you the floor one (1) more time Vice Chair and then I am going to call for the vote. Go ahead you have the floor.

Ms. Yukimura: As I understood the process, we used the dots to give us a rough outline of what we wanted, and then we came back as a group to look and see if in fact because we did it without a whole lot of discussions. So then we looked at the end result and said what is missing, for example the MRF was a big point of discussion after we did the dots. I thought the maker of the amendment was willing to withdraw it and make it a clearer, I mean our final decision is today. So the question is what does it reflect? To me it reflects we have six (6) or nine (9) goals and that is what our goals are. I mean I am not even sure why we have a priority amongst those goals. We had priorities amongst all the other things that came up, but this is what we in the end put together. So I am surprised, I thought we had something we could all live within our discussion.

Chair Furfaro: Well we have a motion on the floor to amend. I would like to call for the vote on the amendment, and I would like to do it by roll call so it is very clear the first time around.

Chair Furfaro: Further dialog from Mr. Bynum.

Mr. Bynum: Just one (1) point of clarification. I always like to say this when I can, I agree with Mel. But I think the reason there is 1(a), 1(b), is that those were equal priorities right? So thank you.

Mr. Chang: Thank you Chairman. I just wanted to make a little bit of an explanation/clarification. I think for the benefit of those that are in our audience in our Chambers and those that are at home watching, when we make referral to "dot" it almost seems like we are making referral to dot like a dot. But I just wanted to make the public know that we were given out color-coded dots that we placed on what we thought was important, so that would be the definition of the "dots" that that is how we got the majority or how we were able to get our count; we placed color-coded dots as far as the priorities are concerned. Thank you.

Chair Furfaro: My closing comments again I would like to thank Councilmember Nakamura and I do think that we scheduled a workshop for us so that through back and forth communication we could find things that we can all reach agreement on, not necessarily as the orders of priorities because there are many variables that come with those sources. Funding for fuel for the bus obviously also has to compare funding for things that we need to do with Solid Waste, but most importantly for the body we negotiated on the merits of what we need to do in our community. I compliment all of you, but with that I would like to call a role call vote on this one (1) as well please.

The motion to approve as amended was then put, and carried by the following vote:

FOR APPROVAL: Bynum, Chang, Kuali'i, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	TOTAL – 0,
EXCUSED & NOT VOTING:	TOTAL – 0.

Chair Furfaro: It was important for us to have the ultimate agreement by all seven (7) on the issues that we agreed on for goals so there is no confusion. On that I believe the Prosecutor is here, I want to get to that item now, if you could read that item please.

C 2012-76 Communication (02/23/2012) from the Prosecuting Attorney, requesting Council approval to expend Office of Prosecuting Attorney (OPA) Regular Salary Funds to hire a Law Office Assistant: Mr. Rapozo moved to approve C 2012-76, seconded by Mr. Kuali'i.

Chair Furfaro: Thank you. There is a motion to approve and second, the rules are suspended and we have the Prosecutor with us. Shay, you have the floor.

There being no objections, the rules were suspended.

SHAYLENE ISERI-CARVALHO, PROSECUTING ATTORNEY: Thank you. We had made this request at this time instead of waiting until the new budget

Chair Furfaro: Okay. Members questions at this point because I had erred here, we have a 2:30 p.m. certificate to give out and perhaps I can hold questions, we can do the certificate. Shay, would you have a problem with that?

Ms. Iseri-Carvalho: Well we do have pretrial conferences today on a major sex assault case, but at what time do you expect...

Chair Furfaro: Well, this is Councilwoman Yukimura's certificate and we had scheduled it for 2:30 p.m.

Ms. Yukimura: I know we also have the Kōloa piece at 2:30 p.m. too.

Chair Furfaro: Yes, it is called the...

Ms. Yukimura: When is your conference set-up? Can you come...

Ms. Iseri-Carvalho: It is at 3:00 p.m.

Ms. Yukimura: At 4:00 p.m.?

Chair Furfaro: She said at 3:00 p.m.

Ms. Iseri-Carvalho: But I have other appointments after 4:30 p.m. so I will be willing to wait, because this agenda item is very crucial for the operations of our office and I'm going to be gone.

Chair Furfaro: Well let's see. Let's go through your piece and I'm going to ask the indulgence of the receivers of the certificate to give us some time to conduct business. Members, do you have questions for the Prosecutor's Office? Mr. Bynum.

Ms. Iseri-Carvalho: I would state at this time that there is a pending criminal case that our office is handling with Mr. Bynum and we definitely are unable to speak with Mr. Bynum because he is represented by counsel. I also believe there is a conflict in him asking questions of our office in light of the fact that there is a pending criminal case against Mr. Bynum by our office. So I will not be entertaining any questions for fear of violating the Code of Ethics and our attorney-client responsibility.

Chair Furfaro: Okay. Thank you for that feedback. Mr. Bynum.

Chair Furfaro: Thank you very much. If you recall the last time on Mr. Bynum's own initiative he excused himself from participating and he has seeked an opinion on this challenge which you have just heard. Can you give this body any guidance on that or have you seen this opinion from the Ethics Committee?

MONA CLARK, DEPUTY COUNTY ATTORNEY: Yes I have. The opinion was...first of all I'm Mona Clark, Deputy County Attorney. The opinion stated that there was no conflict as a result of the misdemeanor charges against Mr. Bynum that have been filed by the Prosecutor's Office and that he could participate in all agenda items concerning the Prosecutor's Office that came before this body.

Chair Furfaro: Would you say at this particular point that follows within the legal parameters of what is expected of members of an office of the County in fact as Mr. Bynum is pointing out, when he is also as being pointed out by the Prosecutor's Office kind of in this area of no discussion no delegation. Is there something? I went to hotel school, so when I got myself in trouble I asked an attorney, now I am asking you - are there any other possible conflicts that we should be aware of?

Ms. Clark: I am not aware of any conflict that prevents Mr. Bynum from asking questions.

Chair Furfaro: Okay. Mr. Rapozo.

Mr. Rapozo: Mona, I have read the opinion and the opinion surrounds three (3) items: whether Mr. Bynum could participate in a budget hearing, if he was precluded from participating in a Council's budget hearings relating to the funding, or whether he could vote on the budget, and the third was whether he could participate in and vote on matters. What I heard from the Prosecutor was not any of that, not that he has got a conflict and should be recused from the discussion and the vote, what I heard was there is some sort of rule that a criminal attorney cannot discuss or cannot talk to a defendant without a waiver. I think she asked for a waiver. This opinion does not cover and does not talk about the fact about the discussions between the two (2). Would you agree that a waiver would be the best way? A waiver of that prohibition of an attorney talking to a defendant? This does not cover that, this covers his...

Ms. Clark: No that...

Mr. Rapozo: Right so this does not have no bearing or relativity on question and answer; that is a separate issue that had not gone to the Board of Ethics. I think that, I am not sure, I do not know, like the Chair said I did

subject matter is not Mr. Bynum's case before the courts. This matter is about the hiring of a Law Office Assistant. So as long as the questions are related to that, he may ask the questions.

Mr. Rapozo: Thank you.

Chair Furfaro: Any other questions to the County Attorney's Office at this point in time? None. Prosecutor's Office.

Ms. Iseri-Carvalho: Yes, Council Chair, I did speak with the County Attorney. As you recall, the items that Mr. Bynum said he was going to talk about was dealing with the Victim Witness Program which is not an agenda item which violates sunshine laws, which is what I told the County Attorney. She informed me that he is strictly to talk about the Law Office Assistant position and that is it.

Chair Furfaro: Okay.

Ms. Iseri-Carvalho: And anyone else, I mean anyone else.

Chair Furfaro: I take in consideration your comments and the comments back from the County Attorney, but I do want to point out my position. After hearing this interpretation, it is my preference to look for a motion to schedule this as a special agenda item in the full Council next week Tuesday at 8:30 a.m. The rationale of course is having this statement read to us accordingly. This also may settle some temperament that might exist here for the week and then we will move forward on this item.

Ms. Iseri-Carvalho: Yes, but I need to check my calendar because I am on O'ahu Monday and Tuesday.

Chair Furfaro: We can post it at a later time in the morning on Wednesday if you like because it will be a Special Council Meeting. If 1:00 p.m. in the afternoon works better for you I will recess the Committee Meeting and post a specific time for you.

Ms. Iseri-Carvalho: Okay. Let me check my calendar.

Chair Furfaro: Yes.

Ms. Iseri-Carvalho: I have a sentencing on a sex assault at 2:00 p.m. and a fraud presentation at 10:00 a.m., so I don't know how long the sentencing on the sex assault case is going to be.

Mr. Kuali'i moved to defer C 2012-76 to a Special Council Meeting on March 21, 2012, at 8:00 a.m., seconded by Ms. Nakamura, and carried by a vote of 5:2 (Mr. Bynum and Ms. Yukimura voting no.).

The meeting recessed at 2:54 p.m., reconvened at 3:24 p.m., and proceeded as follows:

Chair Furfaro: We are back from our recognition from Kaua'i High School girls team, and before I go any further I would like to have a moment of personal privilege. I just came across Kaua'i Business Magazine which identified twenty (20) individuals for the next twenty (20) years: Hawai'i People To Watch, and to my surprise, my pleasant surprise, I open up and one (1) of the twenty (20) to watch in the next twenty (20) years includes Mauna Kea Trask from our own County Attorney's Office. So I just wanted to share that with everyone, quite a nice compliment for the young man that works in our County Attorney Office.

If I could ask if we could have the representative from Grove Farm up. David, it is my intent now to have an opportunity to have members to pose some questions to you as it relates to this resolution, and so members, I would like to remind us if we have many questions if we could rotate it amongst members because some members might have the same thing on their mind at this moment. So Mr. Chang, I see your hand closest to the blue button, does that mean you want to speak? You have the floor.

Mr. Chang: Thank you. Mr. Hinazumi, just because we took a couple of breaks from lunch and you might just want to state your name for the record again.

DAVID HINAZUMI, PROJECT MANAGER, GROVE FARM: David Hinazumi.

Mr. Chang: I was going to, I think it might have been Mrs. Kuala that brought it up a little earlier that if it was a situation that the residents just said okay we are out, we heeded our notice and we are out, what is the process? Are there permits that need to be taken care of? You probably heard the testimonies like let us say for example they went out, it would take months and months, the word was used it would be premature that maybe people are out, but yet we are still standing by. What is the process that you are going through right now? And again what if nobody was there, in a perfect world what would happen right now?

and talking about going to another parcel that is zoned Agriculture, we would prefer not to develop the agricultural land.

Ms. Yukimura: I mean if you were to take care of the tenants you would be doing everything you are talking about on that land. You would be figuring out how to restore the houses, how to improve the electrical, not only the things that a landlord should do but also develop it for ownership or for some form of ownership. So nobody is talking about not doing it there but we are talking about doing it for the people that already live there as well as for others.

Mr. Hinazumi: Like I said, for people that have been out there, the existing homes are scattered here and there. Like I mentioned, they are below the flood elevation level currently, it is all on cesspools so we will need to get that converted to septic systems, we have to do some grading work to get the homes up to the appropriate levels, and by doing the development we are providing new housing to replace the homes...

Ms. Yukimura: So yes, nobody is arguing against that, but we are just wondering why you cannot include the tenants in the plan.

Mr. Hinazumi: We are asking everyone to make alternative housing arrangements for the interim period until we can get the project completed. Ideally, like I said earlier, right now everyone is a renter, we want to turn everyone into a homeowner because of the benefits you own being able to transfer that property on and building up your equity.

Ms. Yukimura: Well that is all wonderful and there are some people who may have to rent, so why is that not also an option?

Mr. Hinazumi: Renting as is or renting in the future development?

Ms. Yukimura: It is open. The only thing we are talking about is sitting down and talking about what kind of options and what the problems might be with certain options versus not. That is where the housing agency might be able to help develop some rentals, who knows. Nobody is, I do not think that is resolution for sure, and I as one (1) of the co-authors of the resolution am not saying it has to be done this way, we are just saying could you please be willing to sit down and think out of the box and see how you can include everyone in the solution.

Mr. Hinazumi: Yes.

Ms. Yukimura: So how many of the houses will be $220,000.00 of the fifty (50) that you are planning?

Mr. Hinazumi: And I am sorry, maybe I am not understanding your question correctly but that is why we are going to have an affordable housing agreement that we get completed...

Ms. Yukimura: Okay well you do not have one (1) so there is nothing tied right now and there is no Class 4 Zoning Permit for a public hearing or for people to speak about it, so where is there any oversight as to whether it is actually meeting the needs of the community?

Mr. Hinazumi: Well when we go through...

Ms. Yukimura: Or how many of the tenants can fit? How do we know? I mean I am not saying just leave them to the zoning requirements, we are saying show us how you are going to actually incorporate them into your development if that is what you say you are going to do and some of your Executives have said that, but we want to know how.

Mr. Hinazumi: And that is why we need everyone to come in and either see us directly, see the Housing Agency, we need more background on everyone as well.

Ms. Yukimura: Okay I am not getting the answers. I have other questions but I would like others to speak, Mr. Chair.

Chair Furfaro: David, I want to make sure I understood your last comment. So if we were going to have a graphic of the eight (8) homeowners or the eight (8) occupants that are there now, and we were going to use the HUD Schedule, or modify the HUD Schedule whether it was for ownership or rent, you need them to come in to give you that financial information? Is that what you are saying?

Mr. Hinazumi: Yes. As a developer when we provide affordable housing we need to have the buyers get screened and income qualified. So the first step that we have been advised is we will need to come up with an application and have people fill out that information, and then the Housing Agency is going to double check that information to verify that they are properly income qualified, and then they can purchase one (1) of the homes within that income range.

Chair Furfaro: So that is why you are encouraging people to come in?

Mr. Hinazumi: Yes.

Mr. Bynum: Integrated and single-family residential, and so I think if I am reaching back a few years, but I think the answer would be eight (8) units have to be priced affordable under the policy, two (2) of which have to be affordable by eighty percent (80%) and below median income. And so I think the answer when saying how many at $220,000.00, I think it is two (2), that is the requirement.

Mr. Hinazumi: And you are right that is the requirement, that does not mean we could not do...

Mr. Bynum: More?

Mr. Hinazumi: Yes. As we work with the Housing Agency and develop our affordable housing agreement, as we go out to sell the units, and that is why I am sorry I cannot answer definitively today this is how many units we are going to have. That is why I am saying on a case-by-case basis; if it worked out that we did more at a lower income group, fantastic.

Mr. Bynum: Right. And I am sure the Housing Agency...you have to do two (2) at eighty percent (80%) or below, you have to do two (2) at 80% to 100%. I am sure if you wanted to do those two (2) at below eighty percent (80%) they would be happy about and allow you to count those as meeting the requirement. And then the other question, I heard testimony today about we are going to work with this tenant to get them at Paanau, or we are going to work with this tenant, but under the Housing Agency Rules I do not know if you can go to the front of the line, that is another question I would have for Housing because that might be a solution, but what about those people who have met all of the criteria and are on the waiting list? I mean if you are next and you have been waiting and you say, I just want to make those comments.

Mr. Hinazumi: And then just to follow-up on what you mentioned about Pa'anau, Pa'anau Village Phase 2 which is going to be coming up, there is fifty (50) units. We were contacted by the Housing Agency and they told us that there are applications available. At that time they only had twenty (20) applicants, and it is a fifty (50) unit project, and the deadline is March 23, so to apply that is going to need to happen. And like I said, last count when I received it last week was twenty (20) applicants.

Mr. Bynum: Thank you for that answer. I mean that was my concern that we have to meet the criteria that the County has for access to those units, and if we can do that, great.

Hawaiian Community Assets can help you, without actually working with a tenant to figure out a solution to their situation. Otherwise, it is just you are on your own basically.

Mr. Hinazumi: And like I said, we brought Hawaiian Community Assets and they are contacting tenants directly.

Ms. Yukimura: I know, but that is good, but still have you worked it so that the numbers can work...working with Hawaiian Community Assets so you can actually close a deal with that family?

Mr. Hinazumi: And unfortunately we are not at that point yet, because she will need to meet with each of the tenants, find out their specific circumstances, and then we can help.

Ms. Yukimura: But you can say that there will be a price that you will make it work for them?

Mr. Hinazumi: We will do our best.

Ms. Yukimura: Okay. Is Grove Farm willing to look at other alternatives than just evicting people and then building the development that you want, the fifty (50) units there? Are you willing to look at alternatives?

Mr. Hinazumi: Well we have, there have been some alternatives that have been mentioned. We considered those and we feel that moving forward to provide homes up to fifty (50) families, the housing study that just came out that was in front of this Council indicates great need especially...

Ms. Yukimura: Nobody is arguing with that, so the proposals would have to meet your needs as well which is the goal of providing fifty (50) single-family units, so that would be part of the plan. So do you have a problem with looking at those alternatives, that being open and flexible to some other arrangements that might allow you to do that?

Mr. Hinazumi: And we have been open to listen and we will continue to listen to, as you say, alternative arrangements.

Ms. Yukimura: That does not sound like it if you are just going to proceed with your Class 3 Zoning Permit.

Chair Furfaro: Well I guess you got his answer right now, Vice Chair, and if I understand him, you are waiting for these people to come in for you to figure out how their schedules might fix the opportunity for them to acquire,

think and I just want to ask the County Attorney, I mean if that is fine then let us move on, but I am beginning to feel like...

Chair Furfaro: David, would you give up your seat for a moment, and in our process this is a question that has been proposed as a point of order.

Mr. Rapozo: Only because I am trying to save this County some money in a future lawsuit and I think everybody got the testimony.

Chair Furfaro: I do plan to call up the County Attorney later, but Mr. Rapozo, pose your question.

Mr. Rapozo: I think you heard the discussion.

Ms. Clark: If the question is is it inappropriate to ask the question, I do not think it is inappropriate to ask the question. To mandate that some interference with the leasehold relationship, then you get into other issues.

Mr. Rapozo: It was not a question, that was not a question, it was a comment that said if in fact...

Ms. Yukimura: No, it was a question.

Chair Furfaro: Excuse me, Mr. Rapozo has the floor.

Mr. Rapozo: It was if in fact Grove Farm feels that way then they will pull their eviction notices now, that is what was said. I am worried about the perception from Grove Farm. I am worried because of the case law that I have here, and I think we all do. I am worried that we will get sued. I think we can refrain from those kinds of comments and stick to the resolution item and we will be okay. But I am starting to feel like there is what I think is legally called a veiled threat I think is what, as I am reading and educating myself on the case law I am getting concerned with that term veiled threat that may result in a lawsuit and I do not want to be a part of that. Maybe you can address the veiled threat, and if it is appropriate, Mona, go ahead and that is fine.

Ms. Clark: I do not think that we need to limit the discussion that occurs, but I think that any action that is taken by this body should not seek to interfere in the private contracts or relationships between the parties. I mean obviously a lease is between two (2) private parties, you have the State landlord-tenant law that sets out certain parameters, you have the contracts clause of the United States Constitution which does not allow the government to come in as in HRPT versus Lingle and set out a law that targets a particular landlord and

leave the eviction notices like they are, they are basically saying it is like holding a knife over people if you do not move. Do you know how much stress that is especially to elderly people who have lived in a place for thirty (30) to fifty (50) years? I mean I just have to think about my parents and they would have options, but even if they have options, moving is a big stress. So I do not get it that you are not willing to at least for a limited time say okay we are going to remove the eviction notices and we will sit down and we will see what kind of options we might be able to create together with the tenants, with resource people like Peter Savio, with even the County people, and Hawai'i Community Assets. All these people working together, do you not think that maybe there will be other alternatives to work with?

Mr. Hinazumi: That is when I communicate with all of the tenants, I need to hear that back, what is the specific solution.

Ms. Yukimura: David, it is not going to come from one (1) tenant one (1) at a time, it is going to come from a group of people sitting around a table saying how can we solve this problem, how can we meet your needs, Grove Farm, how can we meet the tenants' needs, how can we make it work for the long range community? You know Kōloa Estates there were lots that A & B was very good in trying to give to Kōloa people, well do you know what has happened to them? They are worth $3 million to $5 million now and who is living in them? I mean there is long-term issues if you really want people to live in the Kōloa area for a long time, I mean local people and generations, we have to think about all of this and we as the decision makers who set the housing parameters have to think about this and it has to be set-up at the time real properties are developed and sold.

Chair Furfaro: Okay on that note and within our own rules we should be posing questions to you, we have posed a lot of questions and I will like to ask other Councilmembers at this time if they have questions. Would you yield the floor, Councilwoman? Thank you. Mr. Chang and then Mr. Rapozo.

Mr. Chang: Thank you Chairman. I want to let the viewing audience and the people know in here that there is another side to the story, and I am going to ask David if he can tell us. Throughout the course of the day there have been and through the course of the weeks I guess, I mentioned earlier about the fifty (50) or sixty (60) or so people that are on the list and I just want to say I can recognize many names, I can recognize many people, but I wanted to rest assure the public that many of these are first-time young Kaua'i local people that also express the desire of living in a single-family home in a nice welcomable clean community with solar water heating. It is like for many on the other side a dream come true or a possibility, can you expound on the fact that on the other side there are people that are desiring to be in a single-family home that work in the greater Kalāheo area, just people from the eastern corridor and the north that

looked at it and we do not feel that it is a feasible solution in this timeframe that we are trying to get these houses out.

Mr. Rapozo: Okay and that is fair. Like I said that is fair, so that option as far as Grove Farm is concerned is not available. The next option was Savio or whatever, he was going to come down and buy the land, fix them up and sell them back to the tenants. Is that what the plan was?

Mr. Hinazumi: Yes.

Mr. Rapozo: So he will come down, he will buy the property from Grove Farm?

Mr. Hinazumi: I am sorry, when he talked to us directly at the first meeting that we met at, he said, and he made it clear, that it is the tenants that need to buy the property.

Mr. Rapozo: Okay, so the tenants come up and buy the property from Grove Farm?

Mr. Hinazumi: Yes.

Mr. Rapozo: So what does he do? He just brokers the deal? Does anybody have this in writing? Does anybody have this deal from Savio in writing? JoAnn you have it? I see you nodding?

Ms. Yukimura: No.

Mr. Rapozo: I just want to know if anybody has it in writing because you are answering and I see a head nod that way. I am not going to sit here and listen to who is right, who is lying, who is not. Does anybody have it in writing. If not, that is fine. I guess my point is this, Dave, we are here discussing a resolution to reach a win-win, Councilmember Yukimura said it best, it is not right to have somebody win by somebody else's standards, that works for both sides. Likewise, the tenants should not be agreeing or winning in this issue based on a standard set by Grove Farm. Likewise, Grove Farm should not be winning by standards set by anyone else. And that is why I think I went to one (1) and I forget which one (1) it was, it was a business seminar, and it said the reality is there is never a win-win. There is a compromise but nobody ever gets all that they want, that is just the way it works because somebody has to give and somebody has got to take. So I guess rather than prolong the agony if option one is out, and based on what you know of Savio's proposal, that is not feasible for Grove Farm as well?

Mr. Hinazumi: That is correct.

GARY MACKLER, HOUSING DEVELOPMENT COORDINATOR, HOUSING AGENCY: Good afternoon Council, Gary Mackler for the Housing Agency.

Chair Furfaro: Gary, could you just give us an overview of how the Housing Agency, as well as the Administration, has been working to some solutions here and what options are out there. We heard some of this bumping lines of waiting lists for the next phase of Pa'anau, how does all of that work and what discussions have occurred so far?

Mr. Mackler: Okay. Several months ago David Hinazumi came and sat down with me and asked us about what kind of resources we have at the Housing Agency both in terms of homeownership and rental housing. Since that meeting we have had several conversations and we share our information with him about how people can get started in our Home Buyer Loan Program. We share information about how folks can take advantage of the rental housing opportunities that are pending, and Pa'anau Village Phase 2 which is a fifty (50) unit rental project, a new project, is taking applications now. I do want to mention that the deadline is no longer March 23, it is actually March 30; another press release went out today to all the media to let people know about the specifics about the property, the rent structure, the income limits, when the lottery is scheduled, so on and so forth. We are anticipating that the earliest occupancy at Pa'anau Village Phase 2 will be June of this year. In Phase 1 of Pa'anau Village we are at ninety-five percent (95%) occupancy, there are a few units that are open and available at this time.

In terms of homeownership, in terms of the resources that we have that we can make available through our homebuyer loan program and through the financing that we can offer through that program, it really requires people to come in and learn about the program and learn about how they can get started. Preparing for homeownership, I think you all realize, does take some time and many people that come to us initially are not buyer ready, and that is one (1) of the driving forces behind the program is to help them learn how to become buyer ready through homebuyer education, through credit counseling, and helping individuals one by one. And so that is the kind of information we have been sharing up to this time with David, and generally speaking, those are the resources that we offer as a Housing Agency.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Hi Gary, thanks for being here today. Earlier, I do not know if you heard it, but the question was about how many units would be covered under the housing policy, and from my memory, and I know yours is better than mine, fifty (50) units, single-family, integrated, probably is going to be a fifteen percent (15%) requirement. My calculator says that, I am sorry?

what is called our homebuyer list which is a list that we maintain of people who have gone through homebuyer education classes and counseling to become mortgage ready and to prepare themselves for future opportunities that come along. The idea of the list is to give it to developers who are producing affordable housing and to give those folks who have been preparing a preference for access to those units. So it could be one (1) or the other or it could be a combination of the two (2) and I think that under the circumstances I believe Grove Farm would have the discretion there as to who is given preference.

Mr. Bynum: And I think you answered my question. So any developer who has units made available according to Ordinance 860 can either use the list that you provide or they can identify their own buyers as long as they meet the income criteria?

Mr. Mackler: Yes. And just let me also mention, the whole concept of the list is to help the developer to have people that are ready to go. I do not want to use win-win because I do not think I am supposed to use that now, but it is something that marriages the preparedness with the opportunity, and that is what we are striving to do with the list.

Mr. Bynum: Right and you have answered that question. My other question has to do with Paanau, right now there are twenty (20) people on the list for fifty (50) units?

Mr. Mackler: Okay let me tell how you that process works. We have, there is, and by the way this is a marketing process that is being done by Kaua'i Housing Development Corporation through their management agent Hawai'i Affordable Properties. Anybody can apply and anybody that does apply up to the deadline of March 30 will have their application become part of the lottery which will be done on April 12 at the Kōloa Neighborhood Center. What that will do is establish an order for how the management company will work through those applications for lease up. We really want to give everybody a chance to apply and have a fair opportunity for access to those units because a lot of times you may hear about the opportunity weeks before somebody else and just because of that it does not necessarily mean you should have a greater chance of getting those units. So we always try to use a lottery, we think it is the fairest approach to giving everybody a fair opportunity for those units. So there will be a lottery conducted in April and from there they will be working in the order that is established to work through those applications.

Mr. Bynum: So a current tenant of Kōloa Camp can obviously participate in that process, but Grove Farm is really not in a position to guarantee that that person will be offered housing?

Mr. Kuali'i: So, to get into Pa'anau 1 right now there is no waitlist?

Mr. Mackler: I do not think there is much of a waitlist; I think it is very small if at all.

Mr. Kuali'i: So there is a waitlist? I know Councilmember Chang mentioned that a little earlier.

Mr. Mackler: There normally is a list, I have not checked with management on the current status of their waitlist. There typically is one (1) but it does not necessarily mean that those who are on a waitlist are going to make that choice to go in at this time either, so even if there is a waitlist, it still would be wise to go in and talk to the management staff.

Mr. Kuali'i: And that is for rental?

Mr. Mackler: Correct and Pa'anau Phase 2 is rental.

Mr. Kuali'i: Oh it is also rental.

Mr. Mackler: It is all rental.

Mr. Kuali'i: Thank you.

Ms. Yukimura: I have a question.

Chair Furfaro: Thank you for making yourself available.

Ms. Yukimura: I have a question.

Chair Furfaro: One (1) moment, Gary. I am going to recognize Vice Chair Yukimura.

Ms. Yukimura: So in the twenty percent (20%) that has to be eighty percent (80%) and below median income, what is the sales price?

Mr. Mackler: I do not have those numbers in my head, the information is downloadable on our County website under the Housing Agency Document section.

Ms. Yukimura: Is it over, is it $220,000.00?

was not feasible, period, you said Grove Farm felt it was not feasible in the timeframe we have set.

Mr. Hinazumi: That is correct.

Mr. Kuali'i: So if there was more time, and I know Councilmember Nakamura was talking about the cost associated with all the plans and the delay and time, but it would be potentially more costly, but it is possible and it is a decision you are making in the timeframe you have set.

Mr. Hinazumi: Yes.

Mr. Kuali'i: So it is not that it is not feasible it is just Grove Farm saying it is not feasible in the time frame we have set? That is what you said.

Mr. Hinazumi: Yes. Definitely not in the timeframe that we set, and unfortunately I cannot answer you if it is feasible down the road until the studies come out, and as Coouncilmember Nakamura mentioning a lot of studying that needs to be done to see if that site will work. So I am sorry, I cannot answer that.

Mr. Kuali'i: But I am just saying that it is a choice that Grove Farm is making, would you not say then that it is a choice you are making at this point but it is not with the complete determination on feasibility?

Mr. Hinazumi: It is a decision we are making now, but I cannot tell you if it is feasible even down the road. I am sorry, I cannot answer that.

Mr. Kuali'i: That is fine. Thank you.

Chair Furfaro: Thank you, David, and I believe when I first asked you if we had any more questions, now we have several more questions. Mr. Bynum and then Vice Chair Yukimura.

Mr. Bynum: Dave, are you familiar with the Land Use Research Foundation?

Mr. Hinazumi: Yes.

Mr. Bynum: And they have submitted testimony that is quite detailed about the tenants and Grove Farm, so did you participate in the preparation of this testimony from the Land Use Research?

Ms. Yukimura: It is your wording, it is not feasible to develop this project in this timeframe, so what timeframe are you referring to?

Mr. Hinazumi: Right away. There is this pent up demand for housing now, and like I mentioned, the interest rates are historically low. This Council had the Executive Director of Hawaiian Community Assets come in and say now is the time to buy.

Ms. Yukimura: So what is that now? So then maybe the question should be what is your timeframe for developing the parcel that you are looking at for Kōloa Camp right now?

Mr. Hinazumi: Soon.

Ms. Yukimura: Developers do not develop with soon.

Mr. Hinazumi: Months?

Ms. Yukimura: Yes, how many months? When do you plan to have those units available assuming that things go as you expect?

Mr. Hinazumi: We are hoping within the next six (6) to nine (9) months we can get the units turnkey. Yes, within the next six (6) to nine (9) months.

Ms. Yukimura: So in nine (9) months you will have them ready for sale?

Mr. Hinazumi: That is what we are hoping for.

Ms. Yukimura: And how do you say that, so how do you know that it is not feasible if you have not done the studies?

Mr. Hinazumi: I am sorry, I did not say it was feasible, I am saying I cannot answer whether it is feasible or not.

Ms. Yukimura: I did not hear that. I heard you say it is not feasible. Okay. So it may be feasible to develop but you do not know?

Mr. Hinazumi: That is correct.

Ms. Yukimura: Okay so that is what we were asking, whether you would be able to sit down and look and see if it is feasible and see how

Constitution. So you do not want to get into that sort of situation where you are telling a landlord how their lease has to read or what the term of their lease has to be; that is an area you do not want to venture into. The resolution itself though does not mandate any interference such as that. I think you want to avoid the appearance that anything that you are suggesting is going, you do not want to have it perceived that...

Chair Furfaro: It is a mandate.

Ms. Clark: That it is a mandate or that you are asking Mike Dahilig as the Planning Director to enforce the zoning laws, obviously that is his job anyway to begin with, so there is nothing being added there. You do not want a misinterpretation of that is some kind of veiled threat, that is obviously not an area you want to go in to. I think that you should be careful. You say for example that the Kōloa Camp is a nesting ground for endangered Hawaiian ducks, I would hope that you had a report or some survey or something from an authority that you can rely on for that statement. But if it is just a hearsay statement that somebody has made, I would not put that in a resolution and state it as fact, because somebody could later rely on that and come back and say well the County said this was the situation. So if you have verification for that then that is fine; if you do not have verification I would say you should take it out. As far as picking a particular developer and saying that person should have precedence over other parties, I do not think that is a wise move either. You could potentially have some other developer come in who has some plan that you would also want to consider or want to cooperate with, so I would not single out one (1) person as done in this resolution.

Chair Furfaro: That could be interpreted as preferred treatment?

Ms. Clark: Right. So those would be the three (3) areas of caution that I would suggest to you.

Chair Furfaro: Thank you, Mona. Let me see if I have questions from the members. Mr. Bynum did I see your hand go up?

Mr. Bynum: Yes just clarification. The Kōloa duck, the specific developer, what was the third?

Ms. Clark: I do not think you want to give the impression by directing the Planning Director to take action that he is already going to take on his own. You do not want to make that, you do not want the possible misinterpretation that that somehow is going to be used to effect a result separate from the zoning purposes.

Ms. Yukimura: I do not have a problem with removing it, but there are cases where public officials do not do their work and a resolution oftentimes just calls requests, this is not a direction. It is like make sure we are not overlooking anything, that is what the request is. So is there really a legal problem with doing it?

Ms. Clark: If something happened further down the road where it looked like it was getting different treatment and you had this in the resolution, I think it has the potential of causing trouble. It is not necessarily going to, there is not going to necessarily be any undue delays, I am just saying that since it does not add anything and since that is his job to do anyway, I do not think you benefit from putting it in there.

Ms. Yukimura: Okay. But if you are just asking him to do the job, you are not asking him to give any special treatment.

Ms. Clark: Someone could question why it is in this resolution to start with.

Ms. Yukimura: Do you think it would be something that would not be upheld in court?

Ms. Clark: I think this resolution is not going to mandate that anybody take any particular action, it is simply requesting that people do things. So the only problem that will arise is if something happens down the road where a level of scrutiny was applied that would not be applied in other cases and then they would look back at this resolution and say was this a policy that was set in motion at that point, and that, I do not think, is something that you would want to do.

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: Mr. Rapozo you have the floor.

Mr. Rapozo: But you are saying it is not worth the risk?

Ms. Clark: That is right.

Mr. Rapozo: Did you have a chance I know you said you looked at some of the LURF testimony, but more specifically that Ukumaruku Corporation case that they cite. It is Ukumaruku Corporation versus Worrall and that is the case that I was referencing earlier pertaining to the Mānoa Art Gallery where the Mānoa Neighborhood Board went and did a resolution. It was pretty much a similar circumstances where the landlord, which was Ukumaruku

Mr. Rapozo: Yes. I mean if it said, it is hereby requested to reconsider their actions and their activities, I probably would not have a problem, but I think when we say, request to withdraw their eviction notices, I do not know, it just seems a little firm on the County's side saying hey we want you take back your...because it is their right to do.

Ms. Clark: I think if you try to put any force behind it to make them take that action, then I think you can have potential problems.

Mr. Rapozo: Yes.

Ms. Clark: If you just say we would like you to do, I do not think you have an issue.

Mr. Rapozo: Thank you.

Chair Furfaro: Members, we have heard from the County Attorney. It is my hope, and obviously I have heard from Mr. Rapozo, and sounds like Mr. Bynum and maybe Mr. Chang, we might have some amendments to this particular resolution. And so what I would like to do is plan on taking a recess for those of you that want to look at some amendments, and then get to the business of those amendments, and then eventually the amended resolution if it turns out that way, and a vote. It has been five (5) hours almost of dialogue today and we still have a full agenda plus we have four (4) legal executive sessions to get through. So I hope you ate a hearty lunch, we might be here for a long time. On that note, we are going to take recess and we will take a caption break.

There being no objections, the meeting recessed at 4:47 p.m.

The meeting reconvened at 5:26 p.m., and proceeded on its agenda as follows:

Chair Furfaro: We are back in session and a few house keeping items here, this is based on the fact that we have several departments waiting for other business for the day. Members, it is my plan to look at deferring the building permit report item C 2012-63. I would also like to see if we can defer the resolution on the no parking module for Vidinha Stadium, Resolution No. 2012-26. I would also like to defer Executive Session 532, that is requesting the release of a particular County opinion, and also on two (2) housing items to get them deferred until April 11, 2012 so that we do not have people here for a long period of time. This agenda item today has consumed a lot of the Council time. If that is acceptable, members, I would like to put the word out to those Department Heads that they do not need to wait into the night because we also have to take a dinner break by our contractual agreements at 6:30 p.m. Can I just have an indication that when we come up on those items you are okay with the deferrals.

Those are the only things that I wish for my three (3) minutes. Thank you for letting me have the chance to clarify. Thank you.

Chair Furfaro: You are welcome. I will be calling our meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members, when we took a break it was for the purpose to allow time for the potential introduction of amendments to the resolution. I believe earlier this morning we started with an approval of the amendment which it was seconded, so the nature of our business now will in fact be dealing with proposed amendments. Could I just get a little indication of how many members have amendments? We have two (2) sets of amendments. Mr. Bynum would you like to go first?

Mr. Bynum: Sure. I think this is an important issue listening to all the testimony today. The amendments I have I think take out some of the objectionable language that might put us in a conflict but keeps the meat of the request. I have run it informally by the County Attorney who feels like it has moved out the objectionable things but still makes the statement that I think is consistent with the title.

Chair Furfaro: You want to highlight them for us?

Mr. Bynum: I do not know if the staff is passing this out. I can go down step-by-step. In the first paragraph I am removing the end of the sentence that says requiring tenants to evacuate the premises by March 8, 2012. In the second paragraph there is this one (1) word change where it says Kōloa Early School a preschool which currently says would, I am substituting that with the word could, because I do not know if that is a fact and it is kind of stated as a fact but it is a concern. Then the fourth whereas, most of the tenants cannot afford such a price, and I am suggesting we remove. In the sixth whereas, starting with the word price through the word habitat, because...my rationale here is so it would read, whereas there appears to be many unresolved issues and uncertainties involved in the development of the camp site including but not limited to road access, traffic, flooding, septic systems, and impact on the surrounding community. Those are issues that the Council and the County is concerned with and it seemed appropriate. Some of the other ones that I am suggesting to remove like price, ownership, successed (sic) abilities, speculation, are issues that the County typically would not, there would not be nexus. I am removing the part about the Kōloa Duck, and then in the final paragraph, the last part of be it resolved that the County hereby requests Grove Farm to find a way to include existing tenants in its plans to

Chair Furfaro: What we are reading from they are not bracketed.

Ms. Nakamura: Yes. Thank you.

Mr. Bynum: I do have really mixed feelings about one (1) of the changes I suggested and so I would really love input from members. It has to do with the final paragraph on page 1. What is bracketed is taking out such that all tenants be continued to live, to continuing tolive in the camp. I have mixed feelings about that removal because again this is a request and I know that that is the request of many. And so I would really prefer to leave that in and I wanted further clarification from the County Attorney about whether there was an objection to that portion.

Chair Furfaro: So for the amendment you introduced to us, is it in or is it out? It is out here.

Mr. Bynum: It is out here.

Chair Furfaro: So is that what you want?

Mr. Bynum: I have very mixed feelings about. Seeing how, I would really prefer to leave it in but I want to see if there is an objection in terms of...I thought that Ms. Clark's analysis was helpful for me to make these terms and I do not know if you addressed that particular one.

Chair Furfaro: Mona, I will suspend the rules. I do not like to do this once we enter into deliberation, but please come up for the sake of Mr. Bynum's proposed question.

There being no objections, the rules were suspended.

Mr. Bynum: The question I think would be, would you have an objection to leaving "such that all tenants be able to continue living in the camp." Because it says request, I do not know if that oversteps the bounds. The last paragraph begins, the first be it resolved.

Ms. Clark: I do not see a problem to leaving that language in.

Mr. Bynum: Then I prefer to leave it in, seeing how those others are not bracketed, and it has to be reworked. In terms of my amendment, I prefer that those words stay in.