

## COUNCIL MEETING

July 14, 2010

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair at the Council Chambers, 3371-A Wilcox Road, Līhu'e, Kaua'i, on Wednesday, July 14, 2010 at 9:10 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum (Excused at 2:10 p.m.)  
Honorable Dickie Chang  
Honorable Jay Furfaro  
Honorable Daryl W. Kaneshiro  
Honorable Lani T. Kawahara  
Honorable Derek S.K. Kawakami  
Honorable Bill "Kaipo" Asing, Council Chair

Chair Asing: Can we have the first item please?

PETER A. NAKAMURA, County Clerk: First item is the approval of the agenda.

### APPROVAL OF AGENDA:

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

Chair Asing: Next item please.

Mr. Nakamura: Next matter is approval of the Minutes of the following meetings of the Council.

### MINUTES of the following meetings of the Council:

Public Hearing of May 5, 2010 re: Bill No. 2358, Bill No. 2359, and 2360  
Council Meeting of June 9, 2010  
Council Meeting of June 23, 2010  
Public Hearing of June 23, 2010 re: Bill No. 2364

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

Chair Asing: Next item please.

Mr. Nakamura: Next matters are items for receipt on page one (1) of the Council's agenda, communication C 2010-175, C 2010-176, C 2010-177 and C 2010-178.

### COMMUNICATIONS:

C 2010-175 Communication (05/05/2010) from the Chief of Buildings, Department of Public Works, transmitting for Council information, the Building Permit Monthly Reports for April 2010:

- (1) Building Permit Processing Report
- (2) Building Permit Estimated Value Summary
- (3) Building Permits Tracking Report

## (4) Building Permits Status

Mr. Chang moved to receive C 2010-175 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

C 2010-176 Communication (05/19/2010) from the Director of Finance, transmitting for Council information the Corrective Action Plan for the OMB A-133, Single Audit Reports, for the Year Ended June 30, 2009, pursuant to OMB A-133 Circular Subpart C – Auditees, Section .315 (c): Mr. Chang moved to receive C 2010-176 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

C 2010-177 Communication (06/08/2010) from the Chief of Buildings, Department of Public Works, transmitting for Council information, the Building Permit Monthly Reports for May 2010:

- (1) Building Permit Processing Report
- (2) Building Permit Estimated Value Summary
- (3) Building Permits Tracking Report
- (4) Building Permits Status

Mr. Chang moved to receive C 2010-177 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

C 2010-178 Communication (06/10/2010) from the Deputy County Engineer, requesting Council approval of a traffic resolution which establishes a crosswalk on Malu Road in the vicinity of Akoa Street: Mr. Chang moved to receive C 2010-178 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next matters on page two (2) of the Council's agenda are communications for receipt, communication C 2010-179, C 2010-180, C 2010-181 and C 2010-182.

C 2010-179 Communication (06/11/2010) from the Director of Planning, transmitting the Planning Commission's recommendation to approve Zoning Amendment ZA-2010-7, Kaua'i Kailani I & II, TMK (4) 4-3-009:041 and (4) 4-3-009:050, Waipouli, Kaua'i, to amend the Visitor Destination Area (VDA) map ZM-WP-500 in Waipouli, Kapa'a, Kaua'i, Hawai'i, to include the aforementioned parcels with conditions: Mr. Bynum moved to receive C 2010-179 for the record, seconded by Mr. Chang, and unanimously carried.

C 2010-180 Communication (06/15/2010) from Councilmember Tim Bynum, requesting Council consideration of a resolution to establish a policy for facilitating open governance and Internet access to public documents through the Council's website: Mr. Bynum moved to receive C 2010-180 for the record, seconded by Mr. Chang, and unanimously carried.

C 2010-181 Communication (06/21/2010) from the Environmental Services Management Engineer, requesting Council consideration of a proposal to amend various sections in Chapter 21 of the Kaua'i County Code 1987, as amended, that would allow the following:

- (1) implementation of a monthly refuse collection assessment on all residential properties in serviceable areas island-wide; and
- (2) increase refuse collection fees for businesses and other non-residential establishments who subscribe to County curbside refuse collection service.

Mr. Bynum moved to receive C 2010-181 for the record, seconded by Mr. Chang, and unanimously carried.

C 2010-182 Communication (06/22/2010) from the Manager and Chief Engineer of the Department of Water, transmitting for Council information the Department of Water's quarterly financial reports as of March 31, 2010, pursuant to Section 17.03A of the Kaua'i County Charter.

- Statement of Revenues and Expenditures (Water Utility Fund)
- Status of the Budget (Water Utility Fund)
- State Appropriations
- Statement of Revenues and Expenditures (Facilities Reserve Charge Fund)
- Status of the Budget (Facilities Reserve Charge)
- Statement of Revenues and Expenditures (Bond Fund)
- Status of the Budget (Bond Fund)
- Statement of Revenues and Expenditures (Bond-BAB Fund)
- Status of the Budget (Bond-BAB Fund)

Mr. Bynum moved to receive C 2010-182 for the record, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Hang on we have somebody who wants to testify. With that I'm going to suspend the rules, Glenn.

There being no objections, the rules were suspended.

GLENN MICKENS: Thank you Kaipō, for the record Glenn Mickens. Regarding this communication 180 just for informational purposes does this mean that that all the bills and the communications will now be put on the...

Chair Asing: Let me answer that... Glenn the communication is tied to the Resolution which is coming up on the later part of the agenda, would you like to wait then or would you want to have some discussion now?

Mr. Mickens: Will it be before the public hearing?

Chair Asing: Yeah I'm sure.

Mr. Mickens: Oh okay I can wait. Thank you.

Chair Asing: Thank you. With that I'd like to call the meeting back to order. Next item please.

Mr. Nakamura: On page three (3) of the Council's agenda communications for receipt C 2010-183 and C 2010-184.

C 2010-183 Communication (06/25/2010) from Councilmember Daryl W. Kaneshiro, requesting Council consideration of a proposal to fund the unanticipated costs associated with the Office of the County Clerk – Council Services Division building lease for its office space located on Wilcox Road, the lease of the public restroom facility, moving expenses for the County Council and Council Services Division to relocate back to the Historic County Building, and other operational costs associated with the renovation of the Historic County Building in the amount of \$220,000.00: Mr. Kaneshiro moved to receive C 2010-183 for the record, seconded by Mr. Chang, and unanimously carried.

C 2010-184 Communication (06/25/2010) from the Deputy County Engineer, requesting Council approval of two traffic resolutions as follows:

- (1) A resolution amending Resolution 2002-25, Draft 1, by establishing speed limits along Ala Kinoiki.  
(See Resolution No. 2010-40)
- (2) A resolution establishing yield restrictions at Ala Kinoiki and Po'ipū Road. (See Resolution No. 2010-41)

Mr. Kaneshiro moved to receive C 2010-184 for the record, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Mr. Chair at this time if we could go to page four (4) of the Council's agenda for communications to receive... I mean to approve, I'm sorry. We have communication C 2010-188.

C 2010-188 Communication (06/15/2010) from the Director of the Office of Economic Development, requesting Council approval to apply for, receive and expend funds from the Economic Development Administration (EDA) in the amount of \$1,500,000.00 for the development of the Kilauea Agricultural Park by providing infrastructure to drill a well for irrigation water and to install a 12-inch and 6-inch waterline and roadway to provide access to agricultural lots.

Chair Asing: Thank you. What I'd like to do is have Econ Development Office up, George?

There being no objections, the rules were suspended.

GEORGE COSTA (DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT): Aloha, good morning Council Chair Asing, Councilmembers, for the record George Costa, Director for the Office of Economic Development. We're here today to request approval to apply for EDA grant funds in the amount of one point five (1.5) million to help pay for some of the cost in developing Kilauea agricultural park. It is an Ag parcel that was dedicated to the County. In 2006, seventy-five (75) acres of agricultural land in Kilauea and the goal is to develop approximately nine (9) parcels for traditional and organic farming. The average size of the parcels is about five (5) acres each. Also part of the agricultural park are proposals include four (4) incubator farms, community gardens section, and an area for farmers market, as well as an area to look at providing an energy farm so that the Ag park could be self sustaining with some type of renewable energy that will help to operate the pumps and irrigation systems and again we're looking for approval from the Council so that we may apply for these grant opportunities from the Economic Development administration.

Chair Asing: Thank you. Councilmembers any questions?  
Councilmember Bynum.

Mr. Bynum: Just ah... this is... part of this will address the issue of Ag water so we wouldn't be using potable water for the agricultural park because unfortunately historically there was Ag water there but development in the area cutoff the ditch system yeah so this you know if we combine the solar energy for the pumps and irrigation wells, that's the major portion of this, is that correct?

Mr. Costa: Well part of the requirement of the EDA grant as well as the project itself. Because it is county property and the cost of the project is

over two hundred fifty thousand (250,000), we are required to do an environmental assessment which is separate from this request and that is to begin shortly. Part of the environmental assessment is to look at not only the types of crops that can be grown in the area but to also conduct a water study and we're looking at utilizing the services of RM Towill and they will subcontract to Tom Nance who is you know very experienced in that and he will look at the various water sources. Right now as we speak the agricultural park has five... five, eighth inch water meters, potable water and so part of this project is to look at either producing a well or other alternative sources for water so it is being looked at.

Mr. Bynum: Thank you for that answer, I appreciate it.

Mr. Costa: You're welcome.

Chair Asing: Any other questions? Councilmember Furfaro.

Mr. Furfaro: Mr. Costa thank you for pursuing this grant accordingly and just a real quick recap we're looking at approximately for what we want to accomplish over the next couple of years, we're looking at about four point three (4.3) million dollars of which we have earmarked five hundred thousand (500,000) in CIP...

Mr. Costa: Right.

Mr. Furfaro: And this grant will bring us up to about two million of the total scope.

Mr. Costa: Right.

Mr. Furfaro: So and these steps are all probably mandatory as we meet those other EPA requirements and the water study, am I correct?

Mr. Costa: That's correct.

Mr. Furfaro: So this brings us about half way there?

Mr. Costa: Right.

Mr. Furfaro: Thank you. Thank you, Mr. Chair.

Chair Asing: Thank you. Any other questions Councilmembers?  
If not I just had one (1) other question?

Mr. Costa: Sure.

Chair Asing: What was the acreage again?

Mr. Costa: Seventy-five (75) acreage.

Chair Asing: Seventy-five (75) acreage.

Mr. Costa: Right.

Chair Asing: And we're doing how many lots again?

Mr. Costa: Right now the original plan is for about nine (9) lots that will... with average sizes of about five (5) acres each and that will be including

traditional and organic farming and then the other lots or area include four (4) incubator farms that are about one (1) acre each, and then another section for community gardens and then another section for the farmers market so that these farmers have an avenue to sell their produce. And this would become a permanent location for a farmer's market and then of course there's the energy farm component and another section... the southwestern portion of the seventy-five (75) acres, there's a natural ravine and so one of the proposal is to build a reservoir there so it will serve as water catchment and you know for the agricultural park. And then the lower portion of that ravine, apparently at one time a natural orchard of banana and so that would be another use of that area.

Chair Asing: Thank you. Have we, I have to ask this question because I know it's going to be controversial, it has always been controversial... and that's the item of how will awards be made to the I guess owners or leasees?

Mr. Costa: Leasees.

Chair Asing: Of the parcel, have we ironed that out and it is pretty well set on the process that's going to be followed?

Mr. Costa: Well we...

Chair Asing: And again and let me just put some other things inside so that you understand why the question... what is the qualifications, who can apply for... if I live in Kilauea do I have preference, if I live in Kekaha do I have the same preference as someone in Kilauea or Moloa'a you know all those kinds of questions always arises and how do you judge you know awarding first place and not to one individual versus the next, those kinds of questions have been pretty well addressed and so I would like to have some idea as what you folks have come up with.

Mr. Costa: Yes Chair, we actually still working on that process. We're using some of the experiences of the Maui Kula Agricultural Park their process because it is public, public property. You know their process was to have certain criteria especially for requiring farmers that have experience to look at you know a number of years say three (3) to five (5) years of past experience because it's going to be very important that they, that they have a good business plan, they're proven to be able to farm and have a market you know for whatever their crop their planting on this property. So it is an ongoing process right now, we're still fine-tuning that criteria but again to answer your question because of being public property, it would be open you know to the general public and farming community and that set criteria would still have to be finalized.

Chair Asing: So you still really haven't finalize...

Mr. Costa: No.

Chair Asing: That...

Mr. Costa: No we have not.

Chair Asing: That plan... ah... will you keep the Council advised when you finalize the plan so that we have some idea as to how the plan will be carried out?

Mr. Costa: Absolutely.

Chair Asing: Because that's going to be a major issue I'm sure.

Mr. Costa: Okay. We will do that.

Chair Asing: Thank you. With that any other questions Councilmembers? If not, thank you very much.

Mr. Costa: You're welcome, mahalo.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Chair Asing: I'd like to call the meeting back to order and... do we have a motion...

Mr. Nakamura: We have no motion Mr. Chair.

Chair Asing: Can we have a motion to approve please?

Mr. Bynum: Move to approve.

Mr. Chang: Second.

Mr. Bynum moved for approval of C 2010-188, seconded by Mr. Chang.

Chair Asing: Any discussion? I'm sorry, go ahead.

Ms. Kawahara: I just wanted to be on the record that I am concerned about the potable water issue and what kind of sources of water they're going to need, but... that's about it, thanks.

Chair Asing: Thank you, any further discussion? If not, I'm sorry... George, you want to come up?

There being no objections, the rules were suspended.

Mr. Costa: I'm sorry, again George Costa for the record. On the proposal the waterlines are proposed to be six (6) and four (4) inch and not twelve (12) and six (6) inch, so I just needed to make that correction.

Chair Asing: Thank you. I'd like to call the meeting back to order.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Chair Asing: Any further discussion? All those in favor say "aye"

Councilmembers: Aye.

Chair Asing: Those oppose say "no", motion carried. Next item please.

The motion for approval was then put, and unanimously carried.

Mr. Nakamura: Mr. Chair if we could continue on page four (4) communication for approval C 2010-189.

C 2010-189 Communication (06/18/2010) from the Director of the Office of Economic Development, requesting Council approval of the following:

- (1) to apply for, receive and expend funds from the State Department of Business, Economic Development and Tourism (DBEDT) EV-Ready Grant Program which is funded by the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$230,000.00;
- (2) to accept the sub-grant Flow-Down Provisions for State Energy Program (SEP) Financial Assistance Awards, as required by the U.S. Department of Energy (DOE); and
- (3) to indemnify the State regarding the above items.

Chair Asing: With that, George please.

There being no objections, the rules were suspended.

Mr. Costa: Again thank you, Chair Asing and Councilmembers, for the record...

Mr. Furfaro: Excuse me George... I don't know if you suspended the rules.

Chair Asing: Yes I did.

Mr. Furfaro: You did? Okay.

Chair Asing: Thank you.

Mr. Costa: Ah... for the record the request is actually for two hundred seventy-six thousand, two hundred fifty-nine dollars (\$276,259.00) and not two hundred thirty thousand dollars (\$230,000.00) and at this time I would like to call upon Glenn Sato who is our Energy Coordinator for the Office of Economic Development and he will give more background on this grant request.

Chair Asing: Thank you.

GLENN SATO (ENERGY COORDINATOR): Glenn Sato, Energy Coordinator for the County of Kaua'i, Office of Economic Development. This particular grant EV-Ready Grant is a grant issued by the State Department of Business Economic Development and Tourism. In 2009 the Legislature passed a law requiring every public facility with a hundred or more marked parking stalls to have one percent (1%) of those stalls designated for electric vehicles, so you looking at a one (1) to a hundred (100) ratio and that law further says that each facility... out of those parking stalls one parking stall needs to have a electric car charger. It's basically a... it's a unfunded mandate from the Legislature and the DBEDT grant the EV-Ready Grant gives the County an opportunity to get enough funds to comply with the letter of the law. So we are Office of Economic Development is proposing to send in an application for, for compliance with that law.

Chair Asing: Okay any questions? Councilmember Kawakami.

Mr. Kawakami: And if you're not ready to answer you can just do it later on with a communication, a written communication but... so how many stalls would that leave for the County of Kaua'i?

Mr. Sato: We have, we have determined that six (6) facilities fall under this... these include the Lihue Civic Center, the Police/Civil Defense/Prosecutor Facility on Kaana Street, Wailua Golf Course, Kaua'i War Memorial Convention Hall, Vidinha Stadium and Lydgate Beach Park and these were all confirmed with the facility... the agencies involved. So we need a minimum of... not counting the... you know marking the stalls off for EV's, we need six (6) chargers. In addition to the six (6) chargers the grant also allows the applicant to request funding for electric cars for their use, plus the chargers, so we are asking for six (6) chargers to comply with the law. In addition we're asking for five (5) electric vehicles plus an additional five (5) chargers for use by various agencies within the county.

Mr. Kawakami: I have one (1) more question.

Chair Asing: Yeah go ahead.

Mr. Kawakami: Does this opportunity lend itself to a private partnership, private/public partnership with maybe some of the private shopping centers that may want to eventually look into this kind of opportunity?

Mr. Sato: It's actually... it's wide open, so actually I was contacted by electric car charge manufactory companies asking if the county wanted to partner with them but because we were putting our county specific grant application together, we didn't take them up on their offer plus you know if we go with a private manufacturer, there's also a lot of questions that come up in terms on sole source, so I thought it was better to just you know work on our application. But I know the... especially the charging companies are contacting shopping centers and other you know facilities to try to partner with them.

Mr. Kawakami: Thank you. Thank you, Chair.

Chair Asing: Councilmember Bynum.

Mr. Bynum: So Glenn, I don't want to take a lot of time today but I've been paying kind of attention to this because it's very interesting because I think Kaua'i may lend itself to electric cars given that our roadway is kind of one (1) roadway, we're not spread out all over the place but... just to make sure my understanding correct and because Nissan is about to release an all electric car...

Mr. Sato: The leaf.

Mr. Bynum: The leaf for the general public to purchase... so these charging stations, a person who own those vehicles could plug in right, if they came to visit the county...

Mr. Sato: Yes.

Mr. Bynum: The County Building... and can plug in, charge their car, extend the range kind of thing.

Mr. Sato: Right. It's kind of like the chicken or the egg... do you wait for the cars to be on island and then set up these charging stations. I think this law works the other way where they want to make the environment conducive to electric vehicles and make these charging stations available at public facilities, so more people will look at it as a plus...

- Mr. Bynum: As a viable alternative.
- Mr. Sato: And buy an electric car.
- Mr. Bynum: And so the law just covers public facilities, not private facilities?
- Mr. Sato: No, it covers all facilities with public parking stalls.
- Mr. Bynum: Including private sector?
- Mr. Sato: So you know... the major Shopping Centers would have to comply under this law.
- Mr. Bynum: So...
- Mr. Sato: This was a really difficult one because the grant application announcement came out on June 10<sup>th</sup> and then the deadline is June... July 26<sup>th</sup> so it was a really short window and just to do the background research on you know cost of charging stations, cost of cars like that... took a long time and we didn't have enough time to kind of look at the bigger picture and to see if we could put a bigger application together. The grant amount is roughly three million dollars (\$3,000,000.00) so it's not a huge part of money and because of the short timeframe you know we concentrated solely on trying to comply in terms of county facilities.
- Mr. Bynum: So... Kukui Grove for instance would have to comply with this?
- Mr. Sato: Yes.
- Mr. Bynum: And is there a ratio... is it per one hundred or one...
- Mr. Sato: For every hundred (100), you need one (1) marked, marked stall, then for every facility you need at least... you need one charger. They have flexibility in the law which says you know if we determine for example that Lydgate is not the best place to site a charging station because of potential vandalism, we can move that charger designated for Lydgate to perhaps the Historic County Building.
- Mr. Bynum: Right and so... you know and then the vehicles that we would purchase, we can put into our fleet for use by county employees.
- Mr. Sato: Right. What I did was I put together a so-called team to make the proposal attractive so you know we contacted the automotive, the Automotive Baseyard, Building Division, County Real Property, Parks and Recreation and Economic Development and we... the way I wrote the grant was you know we want to... it's an evolution. I don't know if you recall but we had an experimental electric car at one (1) time...
- Mr. Bynum: Yes.
- Mr. Sato: And you know... I had to drive it, I got stuck out in Kōloa and other areas and had to get towed in but I feel that my ups and downs with that electric car prototype helped in the development of the, you know the cars that are coming out commercially now. So that evolution, we're going from the

experimental car, we have hybrid electric cars in the fleet right now, I think in fact my count is... we're in the mid-forty's in terms of how many that are in the car, you know the fleet right now. So we went from experimental to hybrid electric vehicles, hopefully we go to electric vehicles and perhaps the next step is to get plug in hybrids as they get developed and put on the marketplace.

Mr. Bynum: So for instance we have building inspectors that go out pretty much every day...

Mr. Sato: Right.

Mr. Bynum: If they know that they can have a charge that is within the range, then we have zero omissions so it's good for the environment but also the cost and I know the cost is much less than fossil fuels.

Mr. Sato: Right.

Mr. Bynum: Um.

Mr. Sato: And you know any car that we can get... and you know these cars, the rules are very specific they have to be commercially available, it, it... so these cars would have to come through reputable manufacturers Toyota, Nissan, I don't know if Honda is coming out with one... so they're tested and are ready for the marketplace.

Mr. Bynum: So my family, we invested in a Prius a number of years ago. My wife drives to Wailua to 'Ele'ele, seems like a wise investment and we talked about this eh should we get an electric vehicle, well the range will get you to 'Ele'ele but it may not get you home but if there's a hundred parking stalls and where she works, there will be workplace charging station.

Mr. Sato: There should be based on this law.

Mr. Bynum: Based on this law. So suddenly it sounds like a really wise decision. This is very interesting and exciting and as you said going from experimental because we all know there were problems and it didn't seem very viable the experimental car we had but you know times have changed and that experience is making us think that it may be viable and if we, if this grant is successful and we have four (4) or five (5) cars in the county fleet, we'll be able to collect data and understand what the impact is on the county budget and on the environment and our cost yeah?

Mr. Sato: Right. And you know just to make it clear you know if we get approval for this grant and we do get to put electric vehicles in the county fleet, that's you know cars that we wouldn't have to necessarily have to purchase on our own because these cars are designed to be used by staff.

Mr. Bynum: Right. Thank you very much for your work as always Glenn.

Chair Asing: Thank you. Councilmember Kawakami then Councilmember Furfaro.

Mr. Kawakami: Thank you Chair. And just a quick one (1)... since you are already doing the due diligence on this project, about how much does it cost per stall?

- Mr. Sato: The stall itself is just marking...
- Mr. Kawakami: Yeah.
- Mr. Sato: You know designating and putting signage so that's very low cost...
- Mr. Kawakami: Minimal.
- Mr. Sato: When you talking about a charger, charging stations cost anywhere from three (3) to eight thousand dollars (\$8,000.00). The installation would vary according to what needs to be done you know... do you have to trench or you know cut through concrete in order to put the power line at that station. So the trick is to try to find a stall that is really close to a power source.
- Mr. Kawakami: Okay so this cost is... so for the private sector guys it's going to be three thousand (3,000) to eight thousand (8,000) for the unit and whatever cost for construction is if they have... for every one hundred (100) stalls they need one (1) of them?
- Mr. Sato: Right.
- Mr. Kawakami: And this was introduced by who?
- Mr. Sato: You mean the legislation?
- Mr. Kawakami: Yeah.
- Mr. Sato: I'm not sure who introduced it.
- Mr. Kawakami: I go find out.
- Mr. Sato: All I know that it was passed and we are required to follow it.
- Mr. Kawakami: Okay thank you.
- Chair Asing: Councilmember Furfaro.
- Mr. Furfaro: In this statute is there a proviso for the collection of the power that you recharge the car with?
- Mr. Sato: Ah?
- Mr. Furfaro: Mrs. Bynum drives to 'Ele'ele and she plugs in while she's at work and her car is fully recharged, how does she pay the Shopping Center for that? What is the provision in the statute for the collection of...
- Mr. Sato: The statute is basically leaving it up to the facility owner. What I'm looking at in terms of the county charger is I'd like to see like a credit card reader. They have chargers that can accommodate a credit card reader where you know you would actually... the user would actually pay for the power.
- Mr. Furfaro: But that's not in the statute that's what I'm saying... so we could have every county stall with a car in it overnight and there's no mechanism in the statute for collection of the power use to recharge the car.

- Mr. Sato: No.
- Mr. Furfaro: It's not in the statute?
- Mr. Sato: I don't think so.
- Mr. Furfaro: Very interesting. Thank you Mr. Chair.
- Chair Asing: Councilmember Bynum.
- Mr. Bynum: Yeah just a...
- Mr. Furfaro: I'm sorry to use your example but...
- Mr. Bynum: That's fine.
- Mr. Furfaro: Somebody's got to pay for it.
- Mr. Bynum: And that would be great if you could swipe your credit card because my understanding and Glenn could correct me is because the cost would be much less than filling up at the gas station.
- Mr. Furfaro: Mr. Bynum I'm not talking about the cost, I'm saying who's recovering it...
- Mr. Bynum: Right.
- Mr. Furfaro: What's in the statute? What does it say when Big Save or Foodland or a hotel puts these chargers in as a encouragement and convenience, what does the operator then have to recover the charges that is now going to be allocated to their cost per occupied room or their allocation of the cost of sales of food for the can goods they sell? Is there a provision? I know all the technologies about swiping credit cards and so forth. Which also a lot of people don't realize that... when you swipe your credit card, information stays in the bank of that swipe until it's used by somebody else. So I just wanted to... and there's no provision... proviso.
- Mr. Sato: Well the way I read the you know the supporting documentation for this grant, the discussion follows the track of you know some facilities may want to use the EV marks, the special stalls as a promotional tool to get customers to come to their facility. Other people might want the user to pay you know, to pay for the power used. I'm... right now I'm taking that track where when I cost it out the charger, I made sure that there were chargers available on the market to accommodate a payment system where the county would not have to absorb that cost.
- Mr. Furfaro: Okay and I just want to finish up on that because we really focusing on my earlier question. And in that process if there's no proviso in the bill right now, how then and how does the bill address the fact that the use of utilities whether it's fuels, oil... I mean fossil fuels, oils, gasoline, solar, whatever it is to recover the... isn't that regulated, the amount you can charge by the Public Utilities Commission, and what does the bill say the operator can do, can he add a search (inaudible) of having that convenience because that's all controlled by the Public Utilities Commission at the County of Kaua'i, is that in the bill?
- Mr. Sato: I haven't seen anything in that regards. I don't think you're considered a Public Utility just (inaudible) with this charging system.

Mr. Furfaro: No, but what I'm saying is profit margins is managed by the Public Utilities Commission including we have this public services in this public areas that people have an excessive mark up if you choose to use it. Is their rate of repair and maintenance regulated in this statute and right now it's something we didn't... we have to look into. That's just my question and Mr. Bynum I want to thank you for letting me get the clarification, I love the idea... just want to know how we're going to manage it, regulate it.

Mr. Bynum: And I think ah... my was a follow up because I think you asked a good question and last year I was in Fairbanks and I never been to Alaska before and I noticed in every public parking lot there were dozens of places to plug in there to keep your car from freezing but you know that might be something you can find out you know how did those business recover the electrical cost and I guess if I lived in Fairbanks I could get an electric car because there'd be plenty places to plug in.

Mr. Furfaro: Good point.

Chair Asing: Councilmember Kawahara.

Ms. Kawahara: Thank you. This is an exciting project; I'm looking forward to see it come to fruition. Did you say that instead of four (4) vehicles, four (4) additional chargers... you changed it to five (5)?

Mr. Sato: We're asking the grant (inaudible) the grant to ask for funds to cover the six (6) charging stations that are required for the law but the option is we also asking for five (5) electric cars and five (5) additional charging stations.

Ms. Kawahara: Okay I just wanted to verify because the communication says something different. Then... so the intention is to make sure that the whole... all these cars chargers will fall under two, seventy's or meet... it will be below the two hundred seventy-six thousand was it?

Mr. Sato: The grant amount two hundred seventy-six thousand two hundred fifty-nine (276,259) so our application has that exact figure and...

Ms. Kawahara: And you can adjust it to whatever less cars or less chargers as long as you have the six (6) charging units.

Mr. Sato: No it covers everything.

Ms. Kawahara: It will cover the whole thing?

Mr. Sato: It covers it, covers eleven (11) chargers and five (5) cars.

Ms. Kawahara: Okay. Okay thank you for the clarification.

Chair Asing: Thank you. Any other questions Councilmembers? If not, thank you very much... oh... before I call the meeting back to order we have someone in the public who would like to testify. Thank you George and Glenn.

KEN TAYLOR: Chair, members of the Council, my name is Ken Taylor. I think this is a wonderful idea and a start of something new and

something that will grow as time goes along but because it is a new process what I would really like to see is instead of hooking up these systems to the grid is to put the solar facilities in place to run these chargers. That could be done and the reason I say this as we move along into the future with replacing more and more automobiles with electric cars, I spoke recently to a electrical engineer and I said if we could wave a wand and replace all the automobiles on the island today with electric cars, will our current facilities that generate electricity take care of the problem and with some calculations it was said no. We would have to double our current capacity of generating electricity to hook up enough charging systems of replacing all the automobiles on the... to electric cars. Now I realize that that's down the road and in the future but if we're going to start this process, this is the time to look at and install solar panels and battery backup to run these facilities so it's a complete process rather than... well we'll take some electricity off the grid and we'll do this. This is the time to look into the future and start the process a hundred percent (100%) off the grid, thank you.

Chair Asing: Thank you. Councilmember Bynum.

Mr. Bynum: And I want to thank you for your testimony because I agree with you but I also want to say that we got a lot of fine people that work for the County of Kaua'i and we're in that process. We have Glenn our energy specialist that's looking into this all of the time. Our Kaiakea Fire Station has alternative energy. We funded solar voltaic for the Civic Center. Wastewater Treatment Plant we're working on Waimea has energy elements to it. As he mentioned we have helped with experimental electric cars. I saw our first hybrid bus drive down the road the other day. You know I think we are doing what you are suggesting and it's the initiative of this Administration, the previous Administration and the people that we have working for the county who are looking into these things. Some of them pan out and we also had our automotive shop work with biodiesel and we had some problems with that but that step out and that effort is occurring so I just wanted to give you...

Mr. Taylor: And I'm certainly aware of that and I'm just saying here's an opportunity to step out and start this process. And one of the testimony that Glenn made he said ah... installation cost would be depending on where... how far away you were from an existing source; with the solar system it wouldn't make any difference. Thank you.

Chair Asing: Thank you. Is there anyone else? If not, I'd like to call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Chair Asing: I'd like to have a motion to...

Mr. Furfaro: I'd like to make a motion to approve but I do have some commentary...

Chair Asing: Okay lets...

Mr. Bynum: Second.

Mr. Furfaro moved for approval of C 2010-189, seconded by Mr. Bynum.

Chair Asing: Let's have a motion to approve first, we have a motion and a second to approve and then I'd like to have a motion to amend I believe to that two seventy-six, two, five, nine.

- Mr. Furfaro: Right so...
- Mr. Chang: Excuse me I think that was two, seventy-nine...
- Mr. Furfaro: Two, seventy-nine.
- Mr. Chang: Two, five, nine.
- Chair Asing: Oh George let me get the figures correctly because I have here two, seven, six, two, five, nine...
- Mr. Chang: I thought he told me two, seventy-nine, two, five, nine...
- Mr. Furfaro: I'd like to amend the bill to read the amount would be two, seventy-six, two, fifty-nine... is that confirmed?
- Mr. Chang: I'm sorry I had two, seventy-nine, two, fifty-nine.
- Chair Asing: No problem. Can I have a second please?
- Ms. Kawahara: Second.
- Chair Asing: Motion carried. That's on the amended number and the...
- Mr. Furfaro moved to amend the grant amount to \$279,259, seconded by Ms. Kawahara, and unanimously carried.
- Ms. Kawahara: What about the...
- Chair Asing: And with that we're back to the main motion as amended, any further discussion?
- Mr. Furfaro: Yes...
- Chair Asing: Yes.
- Mr. Furfaro: Yes, I want to thank Mr. Costa and his staff for this opportunity but I don't know quite how to say this opportunity when it's a State mandated unfunded piece and so you know I find as we initiated our Energy Sustainability and Transportation Plan that this is a component but my question about the actual recovery of the charge is still on my mind and that's something that I want Economic Development to pursue to get some clarification.
- Chair Asing: Thank you. Any further discussion?  
Councilmember Bynum.

Mr. Bynum: Yeah and I... I think Ken makes a good point if we're still doing these facilities and we're still generating electricity with fossil fuels and that's you know... I'm proud of our government both at the County level and at the Administrative level about trying to pursue the initiatives that I mentioned earlier and about us doing an Energy Sustainability Plan and I think that would lead to other Legislative initiatives. This is a really critical issue and I appreciated Glenn you know... Jay asked the question and Glenn said I was looking into that, I'm looking about how we do cost recovery and what those options are and that's a

good example of the kind of proactive approach that the Council has taken and also the Administration to start down what will be a long road to address our energy concerns.

Chair Asing: Thank you. Any further discussion? Yes  
Councilmember Kawakami.

Mr. Kawakami: Thank you Chair and just a quick comment. I also went to Fairbanks and noticed those devices that keep your car from freezing and I think the difference is... if you don't have those facilities in your Shopping Center in Fairbanks Alaska in the dead of winter, people will not shop at your establishment because their cars will freeze, so for the shopping center it makes complete sense to have those type facilities and hopefully one (1) day it will make complete sense for all shopping centers and all private sector business to have these facilities if the demand for these electric vehicles shall take off like what the industry is projecting at this time. I'm curious to see how much the automotive industry is willing to chip in... you know they create these vehicles but they're also creating profit margins for their shareholders. But who is subsidizing these charging stations and at what cost. I think it's all great discussion points and another thing I'm interested in hearing is how many State facilities does this affect on Kaua'i because for County facilities we just heard that we're going to be putting in six (6) and I can kind of tell that some Shopping Centers and some hotels will also be affected so that... because this is an unfunded mandate by the State, I'm just curious to see how many State facilities this would affect and how much they're on the hook for. Thank you.

Chair Asing: Thank you. Any further discussion? I... you know when I first heard about this my initial concern was why is the Leg mandating the counties and with the mandate do not provide any funds, I think that's something that maybe we should look at and just ask the Leg to please if you're going to mandate us to do something how about give us a hand of the cost... or sharing the cost also because these are very costly items and it's easy over there I guess in Honolulu to make a mandate... everyone complies but you find the money to do the work... so... I think I had that concern when I found out that it was a mandate by the State Legislature. With that all those... any further discussion? All those in favor say "aye"

Councilmembers: Aye.

Chair Asing: Opposed say "no", motion carried. Next item please?

The motion to approve C 2010-189 as amended was then put, and unanimously carried.

Mr. Nakamura: Council Chair to finish up on the Office of Economic Development's request, if we could go to page five (5) of the Council's agenda on communication C 2010-193.

C 2010-193 Communication (06/29/2010) from the Director of the Office of Economic Development, requesting Council approval to apply for, receive and expend the Environmental Protection Agency's Climate Showcase Communities Grant of approximately \$427,500.00. This grant requires a 50% match by the County which will be met with in-kind personnel costs for project participants working on the program, in addition to funds designated to construct a photovoltaic power system on the Police/Civil Defense/Prosecutor facility on Ka'ana Street

Chair Asing: Thank you, George? I'd like to suspend the rules.

There being no objections, the rules were suspended.

Mr. Costa: Okay again thank you Chair Asing and Councilmembers. Again here's another grant opportunity that Glenn Sato our Energy Coordinator is pursuing and with this application it calls for an innovative project and as Councilwoman Kawahara pointed out we are very fortunate to have Glenn as part of our team and you know he's totally focused on looking at these opportunities and spent quite a bit of time in the short time that he's had since this grant opportunity came out to put something together so I'd like to call Glenn up again to share what he's done to put this proposal together.

Chair Asing: Thank you.

Mr. Sato: Glenn Sato, Economic Development. This is an EPA grant and it's a highly competitive grant. In 2009 there were four hundred and forty-four (444) applications and they funded twenty-five (25) so you know not to get the hopes up too high but it is very super competitive but you know I always go in with the thought that my proposal is going to be one (1) of the selected ones. This grant is looking at greenhouse gas emissions, elimination of greenhouse gases, and if I get kilowatt hour savings I can turn that into greenhouse emissions avoided. Just with information base from KIUC so what I did was this grant uses the term innovated so they're not looking for typical put a PV system on a county facility. So what I did was I did a two-prong approach where the first one would be a public light bulb exchange, compact fluorescents for incandescent and I secured the help of Kaua'i Island Utility Cooperative, and part of that is also to get low flow showerheads and to give them out to the residents on the island. So we're looking at a three (3) year program, three thousand (3,000) compact fluorescents, fifteen hundred (1,500) spot light compact fluorescents, and fifteen hundred (1,500) low flow shower heads... so that's like the public give away exchange portion of the grant application. The second part of it is trying to get to that term innovated, so what I'm doing is I'm proposing that the Police, Civil Defense, Prosecutor facility, we are going to do a performance contract on that building to look at making that more efficient but the innovative part of my proposal is to take that facility and go beyond the normal efficiency measures. For example instead of going from efficient T8 fluorescents to super T8, we want to try to go from the efficient fluorescents to LED's. LED's we've been using the LED's at the Civic Center and the ones that we have working right now are performing well so there's confidence in the product. It's just starting to hit the marketplace so the cost is still high because the demand hasn't you know escalated to the point where it drops the price. So the innovated part is to go beyond and go from fluorescents to LED's as one (1) measure. Another measure might be... we're going to put up a PV system there and to consider battery backup for that building so we have power twenty-four, seven (24/7). Another measure that I'm putting there in that list of innovated things that we're going to look at is to look at the power flowing into the facility and to basically clean it up, make it... they call it power optimization which prolongs the life of the equipment in the facility and it also saves energy. Part of the proposal for the innovative part of the program is also to ask funding for facilities energy specialist. This is a position that was recommended in the Energy Sustainability Plan, so I'm trying to get the first three (3) years funding through this grant, so it will... I'm putting for three (3) years for one (1) person including fringe benefits. So if we get it, we're three (3) years ahead of schedule.

Chair Asing: Thank you.

Mr. Kaneshiro: I have a question for Glenn.

- Chair Asing: Yes, Councilmember Kaneshiro.
- Mr. Kaneshiro: You know on your communication on page twenty-four (24) you also include under personnel energy manager, outreach coordinators and so forth...
- Mr. Sato: Yeah um...
- Mr. Kaneshiro: Can you explain a little about that?
- Mr. Sato: The EPA grant requires a fifty percent (50%) match.
- Mr. Kaneshiro: Okay.
- Mr. Sato: So... I changed that terminology, I had it as energy manager but it's actually my position.
- Mr. Kaneshiro: Okay.
- Mr. Sato: So I changed it to coordinator to make it more consistent. The Water Department Public Relation Specialist is also included. I have KIUC also included because I need to boost up the in-kind to be fifty percent (50%) or greater but that's really...
- Mr. Kaneshiro: Okay.
- Mr. Sato: That's the way of making that match work.
- Mr. Kaneshiro: Okay. My concern was that as you read on about this application on the money process, it also talks about the future funding for each year or years to come so... the biggest concern I have is that if you're going to put personnel or specialist under this grant, we got to make sure that we let them know that it's dependent upon funding.
- Mr. Sato: Right.
- Mr. Kaneshiro: So you know... that should be a point that should be stressed to whoever takes that position. Because as you read it the appendix C frequently asked questions, process and legal questions... will there be future (inaudible) each year? And it says it is not, you know... yet known.
- Mr. Sato: Yeah and the way I address that question is I always put in discussion on how the county operates on a fiscal year by fiscal year and there is no guarantee but I guess all I can say is the intent is to you know if the position is successful and it pays for itself then to keep on doing it for subsequent years.
- Mr. Kaneshiro: Okay yeah. Okay.
- Chair Asing: With that, Councilmember Furfaro and then Councilmember Bynum.
- Mr. Furfaro: (inaudible)
- BC: Mic.

Mr. Furfaro: Two (2) parts to this question as I follow up to Councilmember Kaneshiro, so the two, fourteen which is fifty percent (50%) approximately fifty percent (50%) of the grant money, you feel we're going to address it in-kind by matching some of the salary levels we have right here?

Mr. Sato: Yes.

Mr. Furfaro: Okay so this is not something we're going to see in the future for a money bill?

Mr. Sato: No.

Mr. Furfaro: Okay.

Mr. Sato: Part of the, part of the match... I'm also using what we're going to put on or what we're going to spend in terms of the PV system...

Mr. Furfaro: Oh okay.

Mr. Sato: We are working on a design build solicitation right now for planning and design for a PV system for the, for that facility. I took a conservative amount and we're looking at a pretty sizable system because there's a lot of south facing roof on that facility and you know we're looking at probably a hundred and twenty-five (125) or so KW system but I kind of downsized it and said you know... I cost it out like a hundred and... a hundred KW system. So I put that as the matching.

Mr. Furfaro: Okay, very good. And then as we focus on the you know the Police, Civil Defense, Prosecutor's Office all in that building you mentioned this Energy Performance Evaluation of the building itself, we will do that evaluation to include the current compressor system, the trane modification, all of those compresses because that's a big item for those, for that facility and I think we have not gotten out of trane all of the benefits on energy management in that building.

Mr. Sato: The performance...

Mr. Furfaro: (inaudible) part of this study?

Mr. Sato: It's not part of this grant. The performance contract is coming out with its via another request for proposal that I'm putting together that I'm hopefully going to issue sometime late August early September and that, that performance contract will look at a lot of county facilities. Where this particular grant I know that improvements are there, you know we can be more efficient for this facility, so for this EPA grant I'm singling out this particular facility to go that one more step further and do a little bit more creative measures and more innovative measures and I'm asking the EPA to give us enough funds to help us buy down the cost of some of those innovative measures so we can go ahead and do it.

Mr. Furfaro: Okay. I just had to ask that question Glenn because I think our Building and maintenance Department you know they're pretty good at understanding this trane system and all of the settings for the chill water and so forth, I just think it does kind of take a third party to evaluate what I think our Building Department is comfortable in doing with some recommendations.

Mr. Sato: Yeah I do know that you know in discussions with Building Division, an Energy Management system functions based on monitoring points...

Mr. Furfaro: Yes.

Mr. Sato: The more points you have that you want to monitor, the more expensive it is but then the better your system becomes so hopefully the performance contract will look at those, those issues and try to make suggestions on improving the EMS system also.

Mr. Furfaro: Well good I'm glad to hear that and again I just want to reiterate that I think our Building Department people understand the system and in fact I've managed a building that had almost this exact trane system and it's a big component of all the energy cost associated with Police, Civil Defense, Prosecutor's Office and I'm glad to hear that we're pursuing something more there. Thank you very much. I don't have any more questions.

Chair Asing: Any? Any other questions?

Mr. Bynum: Just... Councilmember Furfaro going down the same line I was thinking and I just comment that you know grant writing is a skill that Glenn clearly has because you got to be innovative and creative to find those matches and you answered the question that these are things that we are committed to and then hopefully if we're successful and you said right up front... you know don't count your... ducks because it's competitive but you know if we could sustain it beyond the three (3) years, hopefully we can demonstrate the savings that would pay for the ongoing personnel, if that... that's necessary but we may, we can worry about that later so... thank you for your good work Glenn.

Chair Asing: Any other questions for Glenn or George? If not, I have one (1) and I don't expect an answer but I just thought I would throw it out anyway... you know it occurred to me not too long ago when I started to see lots of buildings with solar and photovoltaic on the almost the entire roof, you know I say to myself... I wonder what element, what portion will be needing maintenance first. In other words I see a roof that is completely covered with solar system and then only to find out that the roof needs to be changed and I'm saying "wow if the roof needs to be changed because it's going to, it's starting to leak and we just install the photovoltaic or solar, what's going to happen now?" The cost is just going to be horrendous, you take the whole solar out and then repair the roof and put it back... so has there been any studies or anything in that area to make adjustments and how...

Mr. Sato: Let me...

Chair Asing: And how should that be handled?

Mr. Sato: That's one of the first things you look at in terms of you know if you put a roof mounted system. We did that with the Līhu'e Civic Center, the Piikoi Building. Public Works actually recoated the roof of that building in anticipation of putting this PV system up and at the same time we did that because the previous coating of the roof, I think... I think it was like a fifteen (15) year warranty but then it was close to the end of that warranty period so they decided to recoat it and that's one of the things that you really look at, you don't want to put a PV system on to a roof near its useful life.

Chair Asing: So there are things that you folks consider?

Mr. Sato: Right...

Chair Asing: (inaudible)

Mr. Sato: Right, we look at the roof structure, we look at the age of the roof, the condition of the roof and you know it's just good sense that if it needs to be redone that you do it before you put the PV system on.

Chair Asing: Thank you. Any other questions? If not, I'd like to call the meeting back to order.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Mr. Nakamura: We have no motion Mr. Chair.

Chair Asing: And?...

Mr. Nakamura: We don't have a motion.

Chair Asing: Can I have a motion to approve?

Mr. Furfaro: Yes move to approve.

Mr. Chang: Second.

Chair Asing: Any discussion? All those in favor say "aye".

Councilmembers: Aye.

Chair Asing: Motion carried. Thank you George, Glenn.

Upon motion duly made by Mr. Furfaro, seconded by Mr. Chang, and unanimously carried, C 2010-193 was approved.

Mr. Nakamura: Council Chair, we're back on page three (3) of the Council's agenda on communications for approval, next communication for approval is communication C 2010-185.

C 2010-185 Communication (05/26/2010) from the Executive on Aging, requesting Council approval to receive and expend American Recovery and Reinvestment Act of 2009 Funds for Chronic Disease Self Management Program (CDSMP) in the amount of \$21,640.00 available from the date of the State's Notice to Proceed through March 30, 2012. These funds will be used to reach additional communities that include older adults with chronic diseases; establish referral linkages with health clinics, physicians and other service providers utilizing the Aging & Disability Resource Center (ADRC); recruit & train local community members as lay leaders; provide workshops; and measure changes in participants' health status: Mr. Furfaro moved to approve C 2010-185, seconded by Mr. Kaneshiro, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next communication for approval is communication C 2010-186.

C 2010-186 Communication (06/08/2010) from the Director of Parks & Recreation, requesting Council approval to accept an assortment of merchandise (including various quantities of books, games, greeting cards, clothes, key chains and other novelties) from Borders Books, Movies & Café valued at \$10,000.00 to be used for programs sponsored solely or in part by the Department of Parks & Recreation: Mr. Furfaro moved to approve C 2010-186 with the appropriate thank-you letter to be sent, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: And with that, discussion?

Mr. Bynum: Yeah I wanted to really thank and recognize Helane Parrole from the Borders Books and Music and Café, Borders that... you know this is like ten thousand dollars (\$10,000.00) of merchandise greeting cards, novelty items that can be used in our youth summer program, they contacted our Parks Department and Cynthia Duterte you know wisely followed through and has established this relationship. These materials will be great benefit to our senior programs, our youth programs and it looks like it's establishing to an ongoing thing that quarterly... as often as quarterly Borders may be able to make this donation so this is a really great thing and I appreciate the Parks Department following through and capitalizing on the opportunity.

Chair Asing: Thank you, any further discussion? If not, all those in favor say "aye".

Councilmembers: Motion carried. Next item please.

Mr. Nakamura: Next communication for approval at the bottom of page three (3) of the Council's agenda is communication C 2010-187.

C 2010-187 Communication (06/09/2010) from the Chief of Police, requesting indemnification by the Council for a Letter of Agreement between Kapi'olani Medical Center for Women and Children (KMCWC), by and through its Sex Abuse Treatment Center (SATC), and the Kaua'i Police Department to establish and clarify the scope and nature of services to be provided to the Kaua'i Police Department as a member of the Hawai'i Sexual Assault Response and Training (HSART) Program by KMCWC: Mr. Bynum moved to approve C 2010-187, seconded by Mr. Kaneshiro, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: On page four (4) of the Council's agenda Mr. Chair is communication C 2010-190 for approval.

C 2010-190 Communication (06/21/2010) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify, and expend FY 2010 Federal Transit Administration (FTA) Section 5311 and 5311(b)(3) Rural Transit Assistance Program (RTAP) Grants for operational, administrative and training expenses for the County Transportation Agency in the amounts of \$554,680.00 and \$10,855.00 respectively: Mr. Furfaro moved to approve C 2010-190, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next communication for approval is communication C 2010-191.

C 2010-191 Communication (06/23/2010) from the Director of Parks and Recreation, requesting Council approval to receive and expend Temporary Assistance for Needy Families (TANF) Emergency Contingency Funds (ECF) in the amount of \$20,468.00, to provide supplies, equipment, and meal service for the County's 2010 Summer Enrichment Program: Mr. Furfaro moved to approve C 2010-191, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next communication for approval at the bottom of page four (4) of the Council's agenda is communication C 2010-192.

C 2010-192 Communication (06/24/2010) from the Director of Housing, requesting Council approval to decline the repurchase of Unit No. 42, Villas at Puali, located at 1983 Hokunui Place, Lihue, Hawaii 96766, and to grant the owner a one-year waiver of the County's repurchase right effective the date of the Council's approval, to allow a market sale by the owner: Mr. Chang moved to approve C 2010-192, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: On page five (5) of the Council's agenda matters for approval are two (2) Legal Documents, first Legal Document attached to communication C 2010-194.

#### LEGAL DOCUMENT:

C 2010-194 Communication (06/23/2010) from the Director of Finance, requesting Council approval of the First Amendment to the Acquisition and Funding Agreement between the County of Kaua'i and Kukui'ula Development Company (Hawai'i), LLC, with respect to Community Facilities District (CFD) No. 2008-1, the company having determined that it would not be feasible at this time to proceed with the related bond offering of the CFD through December 31, 2015.

- First Amendment to Acquisition and Funding Agreement by and between the County of Kaua'i, with respect to the County of Kaua'i Community Facilities District No. 2008-1 and Kukui'ula Development Company (Hawai'i), LLC, a Hawai'i limited liability company.

Mr. Kaneshiro moved to approve C 2010-194, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next Legal Document is attached to communication C 2010-195.

C 2010-195 Communication (06/23/2010) from the County Engineer, requesting Council approval to accept the dedication of Piko Road at TMK (4) 2-5-007:047 from Kilipaki Estates Association of Condominium Owners and to execute the dedication deed.

- Dedication Deed: Kilipaki Estates Association of Condominium Owners (Grantor) grants and conveys to the County of Kaua'i (Grantee) the real property described in Exhibit A and shown in Exhibit B, Tax Map Key (4) 2-5-007:047

Mr. Furfaro moved to approve C 2010-195, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next matters are claims, communication C 2010-196 which is a claim filed against the county by Robert K. L. Young and communication C 2010-197 which is a claim against the county by Novus Credit Solutions representing Avis Rent-A-Car.

CLAIMS:

C 2010-196 Communication (06/15/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Robert K. L. Young for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kaneshiro moved to refer C 2010-196 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Furfaro, and unanimously carried.

C 2010-197 Communication (06/16/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Novus Credit Solutions for damage to an Avis Rent-A-Car, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kaneshiro moved to refer C 2010-197 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Furfaro, and unanimously carried.

Chair Asing: Peter? Why don't we take a caption break...

BC: Mic.

Chair Asing: My apologies, let's take a caption break now and then return, thank you.

There being no objections, the Chair called a recessed at 11:33 a.m.

The Council reconvened at 11:48 a.m., and proceeded as follows:

Chair Asing: Council Meeting is now called to order.

Mr. Nakamura: Council Chair at this time we are on...

Chair Asing: Hang on Peter.

Mr. Nakamura: Oh.

Chair Asing: Council Meeting is now called to order, with that Mr. Clerk next item please.

Mr. Nakamura: Council Chair, we're on the bottom of page five (5) of the Council's agenda on Resolutions, first Resolution is Resolution No. 2010-38.

RESOLUTIONS:

Resolution No. 2010-38, RESOLUTION ESTABLISHING A CROSSWALK ON MALU ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I: Mr. Chang

moved to approve Resolution No. 2010-38, seconded by Mr. Bynum, and carried by the following vote:

FOR APPROVAL:	Bynum, Chang, Furfaro, Kaneshiro Kawahara, Kawakami, Asing	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Chair Asing: Thank you. Next item please.

Mr. Nakamura: We're on page six (6) of the Council's agenda on Resolution No. 2010-39.

Resolution No. 2010-39, RESOLUTION TO ESTABLISH A POLICY FOR FACILITATING OPEN GOVERNANCE AND INTERNET ACCESS TO PUBLIC DOCUMENTS

Chair Asing: What I'd like to do is I understand there's going to be a motion to defer the item but before we do that I'd like to turn it over to Councilmember Bynum.

Ms. Kawahara: A motion to what?

Mr. Bynum: Why is there going to be a motion to defer?

Chair Asing: I believe so.

Mr. Bynum: Move to approve.

Ms. Kawahara: Second.

Mr. Bynum moved for adoption of Resolution No. 2010-39, seconded by Ms. Kawahara.

Chair Asing: All those in favor say "aye"... you want discussion first... go ahead, I'm sorry... go ahead, discussion.

Mr. Bynum: Thank you, I'd like to do a presentation and also read the Resolution.

Chair Asing: Okay.

Mr. Bynum: This is a Resolution to establish policy for facilitating open governance and internet access to public documents. Whereas, in democracy, the people are vested with the ultimate decision-making power and an informed, aware and engaged electorate is an important component of good governance; and

Whereas, the State... Hawai'i State Legislature, when it passed the Sunshine Law, expressly declared "it is the policy of this State that the formation and conduct of public policy – the discussions, deliberations, decisions, and action of government agencies – shall be conducted as openly as possible"; and

Whereas, the Hawai'i State Legislature also enacted the Uniform Information Practices Act mandating that all government records be open to public inspection unless access is specifically restricted or closed by law; and

Whereas, the Council of the County of Kaua'i (hereinafter "the County") recognizes the value of partnership and collaboration with an informed public; and

Whereas, the internet has become the most reasonable, customary, and efficient method to public information; and

Whereas, the County has invested in a web portal that facilitates easy public access to public information; and

Whereas, the County has entered into a third party contract to produce live streaming video and an archive of government meetings, including an interface that facilitates easy access to public meetings and important records online, creating an unprecedented level of openness and improved access for persons with disabilities; and

Whereas, implementing the tools now available to the County will boost staff efficiency and control costs; now, therefore,

Be it resolved by the Council of the County of Kaua'i, State of Hawai'i, that it is our policy to provide an exemplary level of openness, public participation in government, and internet access to public documents.

Be it further resolved, that the Council will fully implement the capabilities made available by the investment in the technologies and tools which has been made by the citizens of Kaua'i.

Be it further resolved, that key Council documents shall be posted on the Council website and be searchable by text. Documents shall include, but not be limited to: Council and Committee Meeting agendas with related attachments, committee reports, the full text of introducing bills and resolutions, draft bills and resolutions subsequent to amendment, final version of bills and resolutions adopted by the Council, and minutes of Council and Committee meetings.

Be it finally resolved, that a copy of this resolution be forwarded to the Mayor, the Director of Finance, the County's Information Technology Manager and the County Clerk.

What is bringing about this Resolution at this time is something that has been anticipated in the county since 2006. In 2006 this Council before I was on it funded live streaming video and archiving of Council and Committees for the benefit of the public and we are on the cusp of actually implementing it four (4) years later and so I want to share with the public and with Councilmembers that the contract is out, it's under way... we've already tested it and within... as soon as a few bugs are ironed out, is what I'm told, this will be a facility that's available to the public so. With that I'd like to show you how it works.

Our contract is with a company called Granicus that does over two hundred (200) communities. This is a company who, their product basically is providing services to legislative bodies. We're going to get it in focus but as I mentioned they have over two hundred (200) communities that they facilitate and they are our contractor and what I have up here on the screen is the City of San Jose. They said that this was an example of what our interface can do and what... it won't look exactly the same but I wanted to give you an idea. So if you go onto the City of San Jose's website you'll go to this page where it says that this is the web home for information about the City. San Jose Civic Center programming is dedicated to presenting information about city services and program, connecting residents to City Hall, and encouraging people to become more involved in their community and so this is their kind of... where you start and you'll see it says "currently in session" and if there was a meeting happening in San Jose right now it would tell us hey this meeting's there, you can click and watch what's happening live. Then it has a list of upcoming events that are coming up soon in the City of San Jose. And as you come down they're recently archive meetings because this isn't just live streaming, it's archiving.

So if we look at the City Council, they're City Council and Redevelopment Agency are combined. Redevelopment Agency is a concept we'd like to learn more about here on Kaua'i but, so I was going to use this June 15<sup>th</sup> as an example, but if

you look over here on June 15<sup>th</sup>, I don't know why it skipped up like that but if you look at June 15<sup>th</sup> you can see that you can see a video of the meeting, you can have a mp3 audio recording which can be downloaded and it's particularly useful for people who are sight impaired, that they can download this and put it on their IPod and listen to it at their convenience. Over here is a dropdown menu of documents which includes an agenda, a transcript of the meeting and a synopsis. If you click on this transcript meeting it would go to a page that starts with this disclaimer that this is a transcript provided for your convenience but does not represent the official record of the meeting. The transcript is provided by a firm that provides closed captioning. This, because this service is created in real time, the meeting... as the meeting progress it may contain errors and gaps but is nevertheless very helpful in determining what occurred at the meeting. This is made available at the end of the meeting so typically cities post this the next day after the meeting and if you look down it has you know, blow by blow kind of what you see on the bottom of your screen when you watch Council Meetings. But if you click here on the video portion you'll go to... this is a Council Meeting from June 15, 2010 it's paused right now and if I work... I don't have the audio on here because we don't need to hear what they're saying but you see the Council Chair here opening the meeting of June 15<sup>th</sup>. Right below here is... all of the agenda items from that day.

So if you scroll down and if I had a bigger computer screen because this is on a small laptop you can see kind of the whole agenda. And I'm going to scroll down to a section of the agenda that... and so over here posted on the right is the Council agenda for that day, this day happens to be thirty-seven (37) pages, and I can go quickly to page twenty-four (24) and I wanted to use as an example... this agenda item right here which is reassessing a Real Property... yeah it's a Real Property zoning change... what's important here is that there are links on this agenda. The link and when you click these links you get the supporting documents so whether you're seeing this live or you're seeing it at home and you want to know what's happening you can look at the supporting documents. The supporting documents in this one are things like a memorandum from the Planning Department with the subject, the recommendations, the outcome, giving the background of the actions that happened at Planning. Another document related to this particular agenda item is a memo... let's see... is the Planning Commission staff report that has a lot of information, maps and aerials and you can look at this document while you're watching the meeting and move back and forth. I put them here as pdf's so they're a little bit larger. If you wanted to know where this was for instances, you would click on this and see a map of the area so these are all supporting documents that are supplied to and similar to us you know, we have this big, fat agenda packet here which has all the supporting documents, not all the communities are interested in all of these but the beauty of this system and this is the system that we already purchased... if we can get back to it... is if you scroll down here, when you find the thing that you're interested in, let's see if this works live and this is... you click on that agenda item and it should if it works go to, to that portion of the meeting as opposed to waiting um you know, because right now you have to go to Hoike you have to wait until it's on, you have to know when it was in the meeting and we don't always follow the direct line of in our agenda and in this instance it doesn't matter. You click on that agenda item, you see that agenda item come up and then there's tools like closed captioning, you click on the button and you get to see it, you can go to the current item or all items. You can click on a button and go full screen to see the video in full screen and then have the supporting documents back here. So let's just try one of these links, I showed these documents separately but they just come up and they're related to that.

So a lot of the goals that many of us have tried to achieve are facilitated by this interface. This is something that the community have already paid for and it's just a matter of us facilitating, hence the part of this Resolution that says we will

fully implement the capabilities that the citizens have already paid for. To the best of my knowledge we're doing virtually all of this already, we already get the documents, we already compile them and it's... this vendor, they, even though you will access this through the county's website, the vendor will host this on their server and so as our staff compiles all of the documents, all they have to do is put them in a folder and when the agenda is ready, email that folder to the vendor who will make these hot links, populate them on the agenda and make them available. Now once it's archived if we, if our staff or Councilmembers want to add additional supporting documents then we can do that. But it's not a big burden for the staff as the way I understand it because they're already doing this now. They have to, they would have to... just send the documents to the vendor who would populate them all unto this interface that we're looking at. This has already been tested, I clicked on this a couple of times... let's see if... oh this is the Kaua'i County Council Meeting of June 16, 2010, just a few weeks ago and you can see Ed Renaud up there talking and again it's a little bit squeezed but down here is the agenda where we can go to any portion of that meeting that interested us. So County time, it took four (4) years since we funded this but... this should be available to the public as soon as we are now a few technical difficulties and our IT staff is working on that, hence the Resolution about making this documents available to the public. One point I want to put on is that specifically wording says that drafts bills would be available subsequent to amendment. Sometimes we have amendments here but it's already a practice, if we have a bill that's in work say like the farm worker housing bill which is now on draft three (3), the amendment wouldn't be available when it's introduced but if it's introduced and passed and there's a deferral to the next meeting, then that current status of the bill would be available when the next week's agenda came up and so for those people who are coming to testify, they would have five (5) or six (6) days to look at the agenda and get the current document. That's my presentation and to me this is pretty simple and straightforward.

Chair Asing: Thank you. Can we have the lights on please? We'll wait until the light goes on. There we go... I think what I'd like to do is have public testimony first before we take action on this.

There being no objections, the rules were suspended.

Chair Asing: The rules are suspended. With that, Glenn.

GLENN MICKENS: Thank you Kaipo. Tim thank you for the presentation, I thought it was outstanding. Just for clarity... just basically every Friday I usually get the agenda from the Clerk's Office, at the same time now you're saying that I can get the agenda and I can get these communications, the bills, ah... anything on this agenda, is that what you're saying?

Mr. Bynum: That's the standard that I would like to see. There are many people who... people operate differently in our community. Some people are not computer people, they don't have the access to the internet, although you can get access at public libraries and other public places but some people will want to still drive down to the County Building and get paper copies of the agenda. All of the documents under the State law that are generated in the County are public documents unless they're confidential under some specific State law. Now that's a huge volume of documents at our... you know, most of us aren't interested in all of them, that's why this Resolution goes to the ones that are kind of high value... minutes, you know, supporting documents for things that are actually on the bill. Our staff currently compiles all of those documents and supplies us to then... us to them in paper. And so once that is compiled if they send that... you know our agenda thing... that we have our meeting on Wednesday, by Thursday afternoon, late Thursday evening sometimes...

Mr. Mickens: Right.

Mr. Bynum: Because we have to have Sunshine Law, it's posted. You know by Friday morning we usually have this agenda packet in our boxes as Councilmembers, this would be available... so using this system we just have that available as a physical copy or as a electronic copy.

Mr. Mickens: And you're showing as you showed up there... you're showing the Hoike recap of this thing and you can punch on to anyone of the... so you don't have to watch three (3) or four (4) hours... you can go right to any particular section?

Mr. Bynum: Right, you can go to the section of the meeting... so you have the agenda on the right, you have the agenda on the left...

Mr. Mickens: Yeah.

Mr. Bynum: On the left, you go down to that agenda item and click on it and it will go to that portion of the meeting. And this is on your computer at home or at the library and so and it typically is up the next day. And then... or if you are at home, you can watch the meeting live. For our employees they can watch the meeting live and kind of keep track where we are. They've been able to do the with video feeds at the County Building for some time but saves staff time because they don't have to sit here...

Mr. Mickens: Sure.

Mr. Bynum: And wait you know... and I'm I answering your question?

Mr. Mickens: Yes, very... and is that coming, is live video streaming...

Mr. Bynum: I've been told any day now for about six (6) months so... you know, the current status and I think we have somebody here from IT if we need to get into it but you know, they're just working the bugs out.

Mr. Mickens: And what has taken... you mentioned four (4) years this has been in the process. What's taken four (4) years... I mean I've heard many people including myself have you know it's... kind of a burden... well I don't have to drive that far but if you're coming from the Southside or the North Shore, come down here to have to pick up papers and stuff, to read the agenda and everything instead of the day you're coming here but then it's tough sometimes to read everything that you may have questions about on the agenda... so what's taken four (4) years to be able to implement this because...

Mr. Bynum: Well I...

Mr. Mickens: Because it sounds great to me.

Mr. Bynum: Glenn, I can't answer that question.

Chair Asing: Ah...

Mr. Bynum: But what I can say is the agenda's been available online for some time. As of May of last year the Council minutes and Committee

minutes are available online. What is not available online is upcoming supporting documents...

Mr. Mickens: Yeah.

Mr. Bynum: Text of bills... I frequently get calls from people saying where do I get a copy of that bill?

Mr. Mickens: Right.

Mr. Bynum: I want to see that bill that's been introduced.

Mr. Mickens: Yeah.

Mr. Bynum: I want to be a participation in government. And so I think this is just a logical next step.

Mr. Mickens: Well again I appreciate you pushing this thing...

Chair Asing: Councilmember Furfaro, did you have a question?  
No?

Mr. Furfaro: I had a question, yes.

Chair Asing: Oh go ahead. You wanted to address...

Mr. Furfaro: I can. Yes Glenn we're very close to live video streaming.

Mr. Mickens: Right.

Mr. Furfaro: And I just wanted to bring you back to what we recently went through with the budget presentation and with the generosity that we had from the Garden Island media and working with Hoike to be able to broadcast the Budget live, I want to compliment Mr. Bynum for not answering the question as to... since four (4) years ago when we approved this money, you know, what are the particulars that related to the fact we weren't ready by budget time but if you recall in the budget time, we felt by July we would be live video streaming. I think that's the first step. What I don't quite understand now as, this Council is subject to the Sunshine Laws, the fact of the matter is, you know, what goals can we achieve without finding ourselves possibly distributing information that now can be considered a serial communication amongst Councilmembers. You know those particular types of things, we certainly ask the County Attorney for some commentary. I think Mr. Bynum did say the fact of the matter is, you know, we would only have items on the agenda that actually have been approved because if they were not approved and they were up there, it could be interpreted as a serial communication and I'm very cautious there. You know I've pushed very hard along with Mr. Bynum as a release to what we did on the budget process but we need to go and forgive me for using this term... we have to go through the hoops of what the Sunshine Law also can share with us, what can and cannot be posted.

Mr. Mickens: So the OIP thing could be an issue that has kept this thing from going forward?

Mr. Furfaro: No I didn't say that. I'm saying to protect myself...

Mr. Mickens: Yeah.

Mr. Furfaro: And I have no problem telling you that I've spent about seventeen hundred dollars (\$1,700.00) defending myself with OIP for a complaint that's been filed to a citizen that presumes that I made a serial communication. I haven't spent a nickel of the county's money or gotten reimbursement but then it becomes a personal concern... are we in compliance of what actually gets posted? And if I heard Mr. Bynum correctly, what gets posted... would only be what's introduced at the Council level, therefore if we had video streaming at this point until we answer that question, it would be almost live anyway for those that are interested. So you know I just think there are a few other particular questions that I would like to hear from the Administration on and I compliment Mr. Bynum saying he couldn't answer those right now because those questions are really from us to the Administration and I hope I helped you understand my point of view.

Mr. Mickens: Yes. I appreciate that.

Chair Asing: Councilmember Bynum.

Mr. Bynum: I just want to add that what I'm... what I'm representing here is standard of practice and hundreds and hundreds of communities and the only thing that would be sent out are documents that are already public. I just made accessible and in a more convenient fashion.

Mr. Mickens: But like a bill when... if a bill...

Mr. Furfaro: Excuse me Glenn procedure he did not pose a question...

Mr. Mickens: Oh.

Mr. Furfaro: He posed a statement.

Mr. Mickens: Can I ask one (1) more question then?

Chair Asing: You can ask the question Glenn but I'm not sure whether you're going to get an answer but go ahead and ask the question.

Mr. Mickens: Okay. Well just for informational purposes...

Chair Asing: Go ahead.

Mr. Mickens: And Tim probably went over this and maybe I didn't quite understand it... if the bill is on this agenda and I pick the agenda up and it's going to be now I can go to my website that... on my computer and pick it up, I can read that whole bill before I come up here?

Mr. Bynum: Yes.

Mr. Mickens: Okay.

Mr. Bynum: But only subsequent, if it's a bill... when a bill introduced you can read it...

Mr. Mickens: Yeah.

Mr. Bynum: If it's amended and we vote, and now it's coming back as draft one (1) or draft two (2)...

Mr. Mickens: Sure.

Mr. Bynum: Right... not amendments that are poised to be introduced, those are not be available...

Mr. Mickens: Okay.

Mr. Bynum: Because...

Mr. Mickens: I understand that.

Mr. Bynum: Because of the concerns that Mr. Furfaro has expressed.

Mr. Mickens: Right, right.

Mr. Bynum: And practical and pragmatic concerns...

Mr. Mickens: Well I...

Mr. Bynum: These are just public documents...

Mr. Mickens: Right.

Mr. Bynum: Documents that already met the (inaudible) test of being public.

Mr. Mickens: Okay. I really support this thing a hundred percent (100%) and the live, if they can ever get this thing live I would highly support that too.

Chair Asing: Go ahead Councilmember Furfaro.

Mr. Furfaro: I want to reconfirm I think we're very close to it being live. Do we have a website now that currently post the agenda? Yes we do. Does it post all of the communications that Mr. Bynum is proposing? No it does not.

Mr. Mickens: Okay.

Mr. Furfaro: Having an experience where I had to defend myself, I would like to have some time to make sure we're in compliance and I'm going to use... because you know the Legislature, the State Legislature does not comply to the Sunshine Law but the Councils do.

Mr. Mickens: Yes.

Mr. Furfaro: And I don't want to find myself making an error and then finding myself maybe involved in some perception of a serial communication until we have some legal advice.

Mr. Mickens: Sure.

Mr. Furfaro: But I support what Mr. Bynum is saying a hundred percent (100%), I think we're very close on the streaming of the meetings, very close.

Mr. Mickens: Which would be great. Thank you Jay and Tim.

Chair Asing: Thank you. Is there anyone else? Anne?

ANNE PUNOHU: Aloha, Anne Punohu for the record. I just wanted to make couple statements and I also had a couple questions myself. First of all I want to thank everyone and especially Tim and Lani and I know Uncle Kaipo has been talking about this too for a long time. I want to thank you for listening to the general public. Sometimes when we come here we feel like nobody ever listens to what we have to say and the general public has been asking for more transparency and for more accessibility and for the ability to kind of know as much as you guys do when you walk into this room so that we don't look like idiots when we get up here on the microphone. What I saw in the presentation today I think is absolutely fantastic. I think that it will really eliminate a lot of people having to come down and testify since we will be able to honestly be able to pick and choose the issues that we feel that most strongly about and when we feel the need to come down and it's a more emotional issue and we want to make a more personable presentation or we can make our presentation more online and do more with electronic communication... um... I wanted to make a suggestion and hope that maybe somebody can follow through on this is to have several public kiosks in order to allow and several keys areas in our community, especially for our children, our high school kids and our college age guys and to be able to have access to several kiosks where they are, such as public libraries at KCC dedicate a kiosks for just the viewing of this particular website so that they can take their time in order to relook at testimony and really do their homework on the issues. That's my suggestion. My other question is will the infamous or famous I better not say infamous... decisions of the County Attorneys be posted on the website by any chance and... I had to ask that question... my other question is will this also be the same rule for other Commissions such as Planning Commission where it's so closely connected to the kind of issues that we discuss here as the general public on the council would we also be able to have that same access for things like the Planning Commission as well?

Chair Asing: Go ahead Councilmember Bynum.

Mr. Bynum: Well you covered a lot of interesting things but the intent of the Planning Commission, Police Commission... the things that are currently broadcast would be available in this format. How much those Commissions make documents available is the choice that they make. Regarding County Attorneys opinions you know I agree that many of our opinions could and should be made public and as I looked at other communities that have this and their supporting documents, very frequently County Attorney opinions are routine public documents that are in support but that is a separate issue and we continue to dialog about that. In terms of informing the public about you know... I'm going to be honest for a minute sometimes you sit here as a Councilmember and somebody gives a public... and you see this happen, they give public testimony and Councilmembers say oh you got that all wrong... you know... because hey we know some things you don't know.

Ms. Punohu: Exactly.

Mr. Bynum: So you know this is just going to make our dialog richer if we supply this information, people... members of the public are less likely to come up there and say things that we know...

Ms. Punohu: Like me...

Mr. Bynum: May not be accurate right and so information is the life's blood of democracy and the more that we can put it out there, the more citizens can help us do a good job. The more citizens can look credible when they come up and speak before us. So, did I answer your question?

Ms. Punohu: Yep, that was good, thank you very much and aloha and thank you guys for doing this and putting this forward and for the general public I think we can all say thank you too, aloha.

Chair Asing: Thank you. Mr. Taylor.

KEN TAYLOR: Chair, members of the Council, my name is Ken Taylor. I too want to thank Tim and all of you for working and moving this forward. As you know I haven't been on the island for all that long but before I came from over twenty (20) years ago they were posting on the agenda, you could click on the agenda item and bring up all the staff reports or any other documents that pertain to a particular item and what Tim showed us today is an advancement over what went on twenty (20) years ago but taking this one (1) item as an example, even when I asked this morning at the desk for backup information on this item, I didn't receive even the Resolution and I would assume that this process we would be able to click on and see that Resolution and others. I remember several years ago one of the Council people approached me at the break and said well one of the reasons we don't agree on this issue is that I'm (inaudible) to information that you don't have and my response to that was well if you... if I don't have the information or can't get the information then you're not doing your job. And I feel strong that that transparency needs to be made and I look forward to you moving forward with this and I just don't see a problem with supplying backup material on a particular item that is on the agenda so that we can all better discuss the issue. I know myself at times have been corrected in my assumption of what was being brought forth and I certainly don't appreciate... or cared to be wrong and in the assessments of something but when you don't, when you don't have access to the backup information, it's very easy to misinterpret the activity so I think it will provide better communications between the council and the public and will make the meetings often times go more rapid. Thank you.

Chair Asing: Thank you. Is there anyone else? JoAnn.

JOANN A. YUKIMURA: Council Chair, Councilmembers good morning, JoAnn Yukimura. I didn't come here this morning to testify on this item, I'm here for farm worker housing but I do want to support this Resolution. I think it's an exciting policy that will take democracy to another level in terms of informed public participation and as a wonderful side benefit, it will be a way to save precious county staff time because citizens will be able to access the documents without prevailing upon county staff. So I think it will be wonderful for the Council to adopt this policy in writing which... and I'm glad that it limits itself to documents deemed, already deemed public information that are already available by hardcopy because I know if it weren't then it would raise other questions but for stuff that's already available to have it available on the web electronically, it would really help the public, the press and I think county employees.

Chair Asing: Thank you. Councilmember Furfaro.

Mr. Furfaro: JoAnn, would you agree though with any implementation of a new program, there should be the appropriate internal communication and training associated with delivering you know some of the guidelines that we need to understand as it relates to the Sunshine Law, serial communications and those particular things in which this body is governed?

Ms. Yukimura: Well I think in terms of making sure the technology's ready, I mean you can't physically do it until it's all ready. Serial communications issue is avoided in this Resolution in my mind because it follows the Sunshine Law with things that are already clearly public documents that have already been approved to be placed on the agenda.

Mr. Furfaro: Again I want to focus, not on your legal interpretation...

Ms. Yukimura: Sure.

Mr. Furfaro: But on my statement about making sure we have an understanding with multiple Departments about training and what should and should not be scanned and put up and what kind of exposure it might give individuals if we don't understand the basic rules that govern Sunshine, serial communications, and so forth...

Ms. Yukimura: Well.

Mr. Furfaro: That's all I'm asking.

Ms. Yukimura: Yeah I can understand your concerns about that especially if you've been through a... what is that office... Public Information Investigation and I think that training already has been done in terms of agenda items because you can't get it on the agenda without that. But in terms of other kinds of documents, that kind of training is very important.

Mr. Furfaro: Thank you for confirming my concerns that that is an important piece with some legal advices. Thank you.

Ms. Yukimura: Sure.

Chair Asing: Thank you. Is there anyone else? If not, I'd like to call the meeting back to order.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Chair Asing: Do we have further discussion or? Go ahead.

Mr. Kawakami: Thank you Mr. Chair and you know I'm looking through the Resolution and I'm going to be straight forward and upfront. You know it makes a lot of sense and I think as a product of generation x and as a father of a echo boomer and also a father of generation z, I've seen firsthand that internet access and internet information is no longer viewed as a tool but as a way of life for some of these youngsters and myself, I mean with the invention of social networking sites like My Space and Facebook, kids and adults alike no longer need to meet face to face a lot of times to follow what goes on in one's life. But you know being sensitive to other people, I can support it but if there's a deferral that's wanted so that members can ask questions and get their confirmation, I have no

problem supporting a deferral. But as somebody that uses you know, computer in my everyday life, you know, my laptop is always by my side, I have a blackberry so I'm dialed in twenty-four (24) hours a day and it's almost like a leash you know, I hope my wife doesn't watch that part but... that wasn't aimed at her but you know... that is... she's going to think that was aimed at her. But in all seriousness I don't think anybody would disagree that this is a great tool for the community, I think what's the discussion at hand is to get all members at a level where they feel comfortable and also the staff because the staff has to implement it, so I'd like to talk to them, see what's on their plates now and how this would incorporate to their daily workload. I don't think that should be a deciding factor on whether or not we're going to move into that direction, I think we've put our money where our mouth is on this thing, I think we waited four (4) years and like Councilmember Bynum admitted we're at the cusp of implementing it anyway. If members would like to defer and I'd like to clarify to the public that a deferral, a support of a deferral on this matter for myself is not an opposition to the Resolution, it's in support of the Resolution... it's in support of being collaborative with other members if they don't feel comfortable supporting it now to ask the questions they need. So with that being said... I can support a deferral with you know the ultimate end in mind is that this thing is going to happen anyway.

Chair Asing: Thank you.

Mr. Kawakami: Thank you.

Chair Asing: With that, Councilmember Chang.

Mr. Chang: Thank you very much and thank you very much Councilmember Bynum for bringing this up. I do believe it's long overdue however, I would also like to be able to sit down and chat with the staff because at this particular point... I think you might have used the phrase no big burden... but you know if we look at our Council Meetings for example today if we end up at six (6) or eight (8) and you know there's a lot of minutes, there's a lot of meetings and there's a lot of things that go on with the staff tomorrow for example. Consequently what I have a little bit concerns with, I believe what a lot of people are realizing is that furlough Friday is taking a very, very toll not only for our county but the state and I think in order to get the documents out to the vendors or you know, I don't know about... doesn't that need to be proofed I mean when it gets on the net, do we then look to proof to make sure the information we give out is correct. Does it need to be captioned? I think if it turns out immediately I heard the words there may be gaps and errors and if there are gaps and errors, right off the bat that then becomes the truth, that then becomes what I believe that a lot of the community will take as a yes or a no and I have a little bit of a questions about the gaps and errors. Again I do believe that it is a huge necessity, I think it's very, very good for the public however I do believe that we as a Council as well as the staff need to discuss this to figure out logistically how we can get it out on a timely basis, so that would be my only reason. No disrespect to any support because I obviously support it but I will be supporting a deferral. Thank you.

Chair Asing: Thank you. Any? Councilmember Furfaro.

Mr. Furfaro: Yes, thank you. I think both of my colleagues here on my left and right have indicated our basic support for this. I do want to point out that I am going to be on the agenda for the Civil Service Commission next week and it is now... they're posting so my memorandum to them is in your mailbox for you folks to see as I want to address a couple concerns about performance but more importantly some items that may really indicate the value of the things that we need to do for the community and getting information, so I want to make sure first

you know I certainly support that, my past record with dealing with... getting the video streaming going first and foremost is extremely important but I do want to ask you to look at my correspondence that I sent out to the Civil Service Board and our current status on furloughs, our manpower here... the vacancies that we have, I think are items that I wanted to discuss next week and I know Mr. Bynum you know I support this, I'm just having an experience of not once but twice being communicated to by OIP that deals with how we communicate internal information. I'm cautious especially since I've taken that burden on with my own nickel, and not looked to the county. So you know for everyone to understand, I'm just as anxious as you after four (4) years to get the video streaming going. I think to broaden what our postings are, are something that we are committed to but there are some work issues associated with that as well that I want to have an understanding from the IT Department as well as the Civil Service and that's where I stand right now, so I want to make sure that I'm clear.

Chair Asing: Thank you. Councilmember Bynum.

Mr. Bynum: Let me start by saying I'm not going to object to a deferral. I don't think that it's necessary and that this is a policy statement and unless we think working out the logistics is something that will preclude us from doing these things but I'm not going to object to a deferral...

Mr. Furfaro: Thank you.

Mr. Bynum: And I think every question that has been raised, has been a good one. But I do want to comment that there's been a Committee for some time to address all of these issues and I've come to understand that our line staff has not been included in that, I'm a little dismayed by that. Because all of these questions are logical questions that... logistical questions that need to be worked out and as I said we were scheduled to go live on this already and so I'm just surprised that there hasn't been more communication and dialog. But you know I'm confident that the research I've done again I said earlier this is standard practice and hundreds of communities and I encourage people to look at the Granicus website, they have a page that have their clients you can go to these hundreds of communities and see that each community has implemented somewhat different than others. I think as I'm sure we will too so I don't object to a deferral but yeah... I would hope that we would prioritize this and I think there will be upfront oh this is different, so any time there's difference, there's some learning curve. Eventually one of the things you'll see on that website is a community the same size as us that figure they're saving thirty-five thousand dollars (\$35,000.00) a year by implementing these tools and the staff people saying wow we love it since we had this because we used to have to do this which was very time consuming, now we just do this...

Mr. Furfaro: Right and I want to thank you for understanding we're not moving to receive it which would have killed it.

Mr. Bynum: I understand.

Mr. Furfaro: We're moving to defer and I also want to thank you for acknowledging that fact that whenever you do something different, there is going to be a period where we communicate good information so people know what's expected of them.

Chair Asing: Thank you. With that, Councilmember Kawahara.

Ms. Kawahara: Thank you. I don't know how much of a rah, rah... I need to do but I think everybody knows that I'm a librarian and an informational professional and one of the most exciting things being here is being able to have some kind of effect on how transparent we are and what type of governance we're giving to our community. This Resolution to me is incredible, it's beautiful too me. It's an exciting thing... Tim, Councilmember Bynum has been following this thing since he's been on the Council and I've actually have been able to learn a lot from him because he's been following it exactly about what's going on with this company and how this company that we are going to be contract with or contracted to is their whole existence is to make government transparent. That is our goal and their mission of their business. I am absolutely positive that all of the concerns that may have been shared here are all of the concerns that people may have are going to be successfully addressed because it's been done across the Country. It's been done with the hundreds of clients that this company has now. This will be a gigantic step forward and a real accomplishment I think for the county to be able to do this. I am excited that money has been funded. I am not going to even bother about why it took from 2006 because I have learned that what you have in front of you is what is important. And what we're going to have in front of us is a primo, excellent way of providing service and transparency to all of our community members whether they need it in paper... it's a way of gathering information you do it on paper, you do it online... I'd have to say that I'm with Mr. Kawakami and I'm always attached to my blackberry, it's easier for me to find things on the computer than it is to do on my desk, important things I'm learning to scan it so that it will be there, I won't have it in one (1) office and in another office when I need it. I'm just very, very excited about this Resolution, I'm very excited about the steps that the County is taking and is going to be making in the next few months and believe that the public will be really excited about it and very happy with what has been determined to be part of the service package that the County has purchased and it's just a very, very big step and there needs to be a recognition that some people may be a little bit worried about change and doing things different but again all things remain the same if you want to do it one way and what it does is it expands the area in which we are able to provide information to the public. I do want to mention one thing that I think is really, really important in a discussion of government and information. So as an elected official and a librarian it's doubly important to me. So this is a great Resolution, I'll support... what I want to say is this is from James Madison and I've had it on my blackberry for awhile... a popular government without popular information or the means of acquiring it is but a prolog to a forest or a tragedy or perhaps both... knowledge will forever govern ignorance and people who mean to be their own governors must arm themselves with the power knowledge gives, and that's James Madison. And what I believe we're doing here is a momentous and a positive step for the county and the County Council.

Chair Asing: Thank you. Before I ask for the motion...

*(Audience clapping)*

Chair Asing: I'd like to also make a statement. You know video streaming, we anticipated this and because we anticipated... we funded it. We put up a hundred a thirty thousand dollars (\$130,000.00) for that purpose so what Mr. Bynum is proposing is what we had planned all along so it's not different, he is not proposing anything new and different. It was something that we had in the plans and as soon as we're fully ready to implement that plan, we will do so and that is what was done previously and that's we're headed for... so with that, Councilmember Kaneshiro.

Mr. Kaneshiro: Thank you Mr. Chair, before I make a motion for deferral you know, I wanted to let you know how I feel about this and I support this

in all ways, I do support the Resolution and I know how a internet can be a real tool for getting more information out there for open government. I'm really... really if you look at me many of you must say that you know he doesn't look like an internet kind of person, we see him as a cowboy and as a farmer but you know I've used it many times to gather real important information that I needed to make decisions on farm or how to treat animals without even bothering to take the animal to the Vet, just by getting on the internet. And at the same time the internet will also push you to another area where you can get some antibodies or some kind of medicine to be able to treat the animal, so there's no doubt in my mind that I know what Mr. Bynum's Resolution is trying to do to open up and give public access. I have some concerns and I will say that some of my colleagues touched on that. I know Mr. Furfaro talked about some legal issues that he ran into and I you know, I also would like to request that on the deferral as I make the deferral that we at least get some time so we can get some County Attorney opinions and to be able to work and get some communication out to County Attorneys in that regards. The other concern I had is that we talked about staffing, we talked about furloughs, you know... two (2) days a month you know we're short and we also are short on personnel, so I do have some concerns about that. I want to make sure that we have the resources to be able to do it and when we launch this program, we launch this program you know in a real successful manner. And I also heard about... Mr. Furfaro talked about probably about coordinating and working with IT, I think it's important that you know, we accomplish that and once we get all of those issues resolved I mean... I can really say that we will be able to send this out to get the best communication out to the public through this access so there's no doubt about it but there are some issues that I think we need to resolve first. So in saying so before I make the motion to defer, I think Mr. Furfaro...

Mr. Furfaro: I just have one more...

Mr. Kaneshiro: Question...

Chair Asing: Go ahead, with that, Councilmember Furfaro.

Mr. Furfaro: Anyway I also just circulated nineteen (19) pages of information to the Councilmembers regarding the impact of furloughs and I just wanted to also indicate to you folks that in our budget package the proviso is section thirty-two (32) that I put in asking for a revised and revisit impact of current furloughs on staff so that's was just a piece I wanted to add as a... to try to expand our ability to communicate information.

Chair Asing: Thank you. With that.

Mr. Kaneshiro: Okay so I guess the deferment would be based on the Clerk's Office or our office working with IT to investigate how we can implement this program. We'll send some communications out to get County Attorney opinions and I'm not certain if at this point we want to defer until we have a review of the furlough plan or are we going to work this out with staff to see you know how to resolve the staffing issues. So...

Chair Asing: Okay with that...

Mr. Kaneshiro: I would...

Chair Asing: Councilmember Bynum.

Mr. Bynum: I said earlier I'm not going to... I don't have a problem with the deferral but I would like that deferral to be for two (2) weeks, not

until December. You know... this is a... as I mentioned there's Committee meetings, all of these issues have been discussed. This is standard of practice in two hundred (200) communities, we can get... we have IT here today. We... I didn't think we wanted to take the time to go into all the logistical concerns but in two (2) weeks I think we can answer all of those and if not we can defer it again but I would, I would not support a deferral beyond the routine two (2) weeks.

Chair Asing: Councilmembers, you know I would suggest that we do the deferral until we do the... pending the furlough process that we have set in the budget for I believe Councilmember Furfaro am I correct the first budget review...

Mr. Furfaro: (inaudible – mic not on)... in December.

Chair Asing: Thank you, and that would be my suggestion.

Mr. Kaneshiro: With that I'll go ahead and make a motion to defer...

Mr. Bynum: May I speak again please?

Chair Asing: With that.

Ms. Kawahara: I had my hand up...

Mr. Bynum: May I speak again.

Chair Asing: Hang on... somebody is making a motion, let's respect that first and then you will have an opportunity to speak...

Ms. Kawahara: Not if he says defer...

Chair Asing: After the individual has made the motion...

Mr. Bynum: If it's a motion to defer...

Chair Asing: As I recognized him...

Mr. Bynum: If it's a motion to defer, I won't be able to speak.

Mr. Kaneshiro: Well the motion would be to defer as suggested by the Chair... up to that point.

Chair Asing: Thank you. With that...

Mr. Kaneshiro: I mean if you...

Chair Asing: With that, can I have a second?

Mr. Furfaro: Second.

Chair Asing: All those in favor say "aye".

Chair Asing, Councilmembers Chang, Furfaro, Kaneshiro, Kawakami: Aye

Mr. Bynum: Those oppose?

Chair Asing: Those oppose say "no".

Councilmembers Bynum, Kawahara: No.

Upon motion duly made by Mr. Kaneshiro, seconded by Mr. Furfaro, and carried a vote of 5:2 (Mr. Bynum and Ms. Kawahara voting no), Resolution No. 2010-39 was deferred pending review of the furlough process.

Chair Asing: Thank you, motion carried. We'll break for lunch, thank you.

There being no objections, the Council recessed at 12:48 p.m.

The Council reconvened at 2:03 p.m., and proceeded as follows:

Chair Asing: This Council Meeting is now called back to order.  
With that, Mr. Clerk.

Mr. Nakamura: Mr. Chair at this time we've been asked to go to page six (6) of the Council's agenda for a bill for second reading which is Bill No. 2318, Draft 3.

BILLS FOR SECOND READING:

Bill No. 2318, Draft 3 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (Farm Worker Housing)

Chair Asing: Councilmember Furfaro.

Mr. Kaneshiro: Mr. Chair if I may? I may recuse myself from this meeting at this time.

There being no objections, Mr. Kaneshiro was noted as recused from agenda item Bill No. 2318, Draft 3.

Chair Asing: With that, Councilmember Furfaro.

Mr. Furfaro: Yes Mr. Chair, I'm wondering if we could suspend the rules for a moment and ask the County Attorney to come up...

Chair Asing: Sure.

Mr. Furfaro: As I many have erred and not sent proposed amendments for his review and I'm going to ask him if...

Chair Asing: Rules are suspended.

There being no objections, the rules were suspended.

Chair Asing: County Attorney please...

ALFRED B. CASTILLO (COUNTY ATTORNEY): Good afternoon Council Chair, members of the Council, County Attorney Al Castillo.

Mr. Furfaro: Thank you. Thank you Mr. Chair, thank you Al. Al, I do anticipate addressing some questions about really about certain building

codes and violations... the introduction and pursuit of those and I have some confusion as to the role between the CPR, the lot and the association and I erred in not sending that over to you.

Mr. Castillo: Well I had previously received information that the Council was intending on introducing amendments to this bill and as the Council Chair has stated this bill is a very important bill, farm worker housing... and the Office of the County Attorney, we would like to basically view the... and review the amendments and to clear it for legality before you know, it hits the floor. I really, I respect the work of the Council and I humbly request that you request to allow your legal team to review the amendments.

Mr. Furfaro: Thank you very much and based on your comments I think it might be appropriate to send a proposed amendment over to the County Attorney and ask for a deferral until we get a written response.

The meeting was called back to order, and proceeded as follows:

Chair Asing: Yes. What I would suggest first is what Councilmember Furfaro is attempting to do is to defer the bill because he... there is some proposed amendments that he wants to introduce, either he or other Councilmembers want to introduce and those amendments have legal ramifications. So those amendments will be sent to the County Attorney's Office for his review. And that is the reason why Councilmember Furfaro is asking for a deferral...

Mr. Furfaro: Thank you Mr. Chair.

Chair Asing: So before we have the motion to defer because on a motion to defer, there will be no discussion before the vote is taken so before we make the motion, Councilmembers? Councilmember Bynum.

Mr. Bynum: I... just a procedural question... the correspondence said the County Attorney with the proposed amendments and questions will be circulated to all Councilmembers?

Mr. Furfaro: I have no problem with my questions being circulated to all Councilmembers. I would like to get some advice based on serial communication in advance to make sure that if there is any reservations on the part of the County Attorney, he so makes those decisions but it is the intent right now.

Mr. Bynum: Thank you.

Mr. Furfaro: To do that.

Chair Asing: Thank you. With that, thank you very much Al. I'm going to call the meeting back to order but before I call the meeting back to order I just want to kind of have a show of hands because you know what we are going to be doing and... but I don't want to cut you off as an example so I want to give you an opportunity to speak so can I have a show of hands on, is there anyone who wants to speak? One (1)? Okay fine, Anne why don't you come up.

Mr. Bynum: Chair?

Chair Asing: Yes go ahead.

Mr. Bynum: May I have a moment please?

Chair Asing: Sure.

Mr. Bynum: I intended to be here throughout the Council meeting today because farm worker housing is very important but seeing how it looks we're moving for a deferral I have another matter that is also important and so I wanted to... just a decision right now that I'm going to not be present for the rest of the Council Meeting.

Chair Asing: Okay, thank you.

There being no objections, Mr. Bynum was excused from the Council Meeting at 2:10 p.m.

Chair Asing: With that, the rules are suspended, Anne?

There being no objections, the rules were suspended.

Ms. Punohu: Aloha Council, my name is Anne Punohu. And I'm here to make something extremely clear to everyone in this room. There was a discussion going on during break and I really need to say something is that I don't feel there's anybody more qualified in this room to talk about farm worker housing and the circumstances of individuals who are living in that situation more than myself. I have been fighting for housing, fairness and equity for people for over a decade now and I myself have been in this situation myself. However, at this point in the game, I feel as if the County is reinventing the wheel for no reason. I have given each and every one of you prior packets, after I testified before on behalf on my own coalition, the Kaua'i Fair Housing Coalition, the Federal Laws... the Federal Laws are there. You do not need to do any of this because the laws extremely clear. Let me explain how it affects... in my opinion and how I see things even though I'm not an attorney or I'm not that smart... I'm not stupid either and I tell you clearly... if the Federal laws says all the way up to Homeland Security that you cannot have an individual on your property, that is not properly cared for and provide (inaudible) as far as sanitation goes, especially when dealing with our food source. That is the violation of the Federal law. It doesn't matter what law you write, it doesn't matter what you put into that law it is still a violation. If you make a law that creates a barrier to providing that housing as it applies to the Federal law, that makes you duplicitous in the event and somebody said... who should provide the housing, the County or the worker as an employee and I said it's very clear... if the county provides barriers to dislocating workers then the county themselves are liable for providing the housing. If however the county does not place barriers or make dubious laws that interfere with the Federal law, then it is the employer, the farmer who is required to completely bear the burden. The problem that I have with this bill is that I contacted the Federal Government on Hilo...

*(3 Minutes)*

Ms. Punohu: Can I have one (1) more minute?

Chair Asing: Yes go ahead, finish up.

Ms. Punohu: I contacted Hilo to the Big Island which runs it, this program. Who clearly told me that they were willing to come here and build the Federal housing, it could be permanent in an area that was... for everyone to farms could get to and they could provide the housing and they would build it. However, if this kind of housing goes through and it's temporary, nobody can apply

for any federal funds to provide housing for their farm workers. And I just hope everybody just keeps that in mind, aloha, mahalo... thank you.

Chair Asing: Thank you. Is there anyone else? Glenn.

Mr. Mickens: Thank you Kaipō. Just a short comment about this farm worker housing bill. I believe that the twelve (12) safeguards being up in place to keep farm dwelling abuse from happening is excellent. I think it's... cut and dry the way that it's put in there. But as past history has shown... enforcement mechanisms should be in place up front without any enforcement mechanisms that you can pass all the laws or ordinances you want and nothing is going to happen. I one hundred percent (100%) support any tax breaks or help we can give our farmer. On Kaua'i they deserve anything we can do for them, it's back breaking work and I certainly envy these people to get out there and bust their rear to do their farming and stuff. But as the Council has stated, safeguards must be in place to prohibit abuse from happening and I think that's basically what you're going to do. I thought... and if I'm wrong you can correct me but I thought Jay was the one, in his amendment or something had the twelve (12), the twelve (12) things that could abuse the causing, the farm worker housing. And I think they're great, if they are enforced as put in there, I don't think there could be any loopholes in there. But again I'm always concerned of the enforcement mechanism. Thank you Kaipō.

Chair Asing: Ah...

Mr. Furfaro: Glenn.

Chair Asing: Hold on... Councilmember Furfaro.

Mr. Furfaro: Thank you Mr. Chair. Thank you and those conditions are eleven (11).

Mr. Mickens: Oh eleven (11) okay.

Mr. Furfaro: I'm proposing a twelfth (12<sup>th</sup>).

Mr. Mickens: Okay.

Mr. Furfaro: And therefore I think on the previous item that was before this Council, you can also see I'm a man of caution and therefore I'm asking for a deferral to get comments from the County Attorney.

Mr. Mickens: Good, I appreciate it Jay. Thank you.

Chair Asing: Is there anyone else? If not, I'd call the meeting back to order.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Chair Asing: Councilmember Furfaro.

Mr. Furfaro: Yes. For the reason stated, I would like to ask for a two (2) week deferral, if I could get a second?

Mr. Kawakami: Discussion real fast, before the second.

Chair Asing: Yes, go ahead.

Ms. Kawahara: Discussion.

Mr. Kawakami: So the amendment is not formally introduced so we cannot talk about the amendment?

Mr. Furfaro: That's correct.

Mr. Kawakami: That's correct? Okay.

Chair Asing: Thank you.

Mr. Kawakami: Um.

Chair Asing: Ah... with that? Oh I'm sorry, go ahead.  
Councilmember Kawahara.

Ms. Kawahara: Thank you. I just wanted to thank the farmers that are here today and apologize if we're delaying and deferring this. I don't think it is any show of an intent to delay at all but I am seeing you here and I know how difficult it is to take off days and times to be here. I'm hoping that we'll be able to get whatever is necessary addressed so that we can do this as soon as possible. I really feel for you because I know how hard you work and the effort you make to get here, to be here to help with the bill. So I just wanted to recognize you for being here.

Chair Asing: Thank you. Councilmember Kawakami.

Mr. Kawakami: You know, I feel compelled to clarify one thing. I think Vice Chair's request for deferral just to be absolutely clear was... in essence his leadership in reaching out to me after I had a change of heart in supporting this bill and he sat down with me and asked me what some of my concerns were. So this twelfth (12<sup>th</sup>) amendment that's coming out is on his part reaching out to me to try to address these concerns. Now the amendment is not with the intention to try to hurt the farmers but if it does come back that this amendment could hurt you guys, I think you guys would be in exact agreement that a deferral is needed. If it's to help tighten up against abuse, then that's what the intent of this amendment is for. So I just wanted to be clear that if anybody is frustrated at Vice Chair because of the deferral, it actually comes from him reaching out and seeing what my concerns were and trying to address that all in the same sense at the same token as to not adversely impact the goals of this bill in the first place.

Chair Asing: Thank you. Any further discussion?

Mr. Furfaro: Thank you Mr. Kawakami, thank you.

Chair Asing: Councilmember Kawahara.

Ms. Kawahara: I just wanted to clarify, I concur with Councilmember Kawakami that that what we're saying here is leadership of Vice Chair. I didn't... there's no intention to say anything else if that was what was understood that was a misunderstanding. I appreciate the Vice Chair very much and he has strong leadership. Thank you.

Mr. Furfaro: Thank you.

Chair Asing: Okay.

Mr. Furfaro: So do we have a deferral on the table?

Chair Asing: Ah yes...

Mr. Nakamura: We have a...

Chair Asing: Ah yes, hang on... you know I...

(inaudible.)

Chair Asing: Yes go ahead, come up.

There being no objections, the rules were suspended.

LINDA NEWMAN: My name is Linda Newman and I have one (1) thing to say. It is not the farmers who are creating the abuse so please don't think that the farmers are the one that's creating the abuse. The farmers are farming. It is those who have been allowed before us to build farm dwellings on agricultural land that is committing the abuse, not the farmers farming the land. So I would like the abuse issue... I feel like the fingers are being pointed, it is not the farmers that are being abuse, I just wanted to say that because I feel that is every time we come to a meeting, it's about abuse and I appreciate your guidelines and we all want to follow the guidelines but the farmers are not abusing, they're working. And that's all I have to say.

Chair Asing: Thank you.

Mr. Kawakami: Can I say something?

Chair Asing: Go ahead.

Mr. Kawakami: And if there's any glimpsE of any, I guess feeling that that we're saying that the farmers are the ones abusing... that's absolutely not our intent. I think the amendment and I said it clearly or maybe not so clearly is the intent behind this amendment is and the deferral is to make sure that it does not adversely impact those that we're trying to help, which is the farmers. We're trying to help the farmers. And if this amendment is going to adversely impact your opportunity, we want to, we want to, you know an expert opinion on the impact of that decision. So it's not to say that the farmers are abusing but it's to stop the abuse from whoever is abusing. You know what I mean? We're not pointing fingers but if it's happening, this is another parameter that's set up, so that's all.

Chair Asing: Thank you. The rules are suspended, come up (inaudible).

Mr. Furfaro: May I...

Chair Asing: Yes go ahead.

Mr. Furfaro: Thank Mr. Kawakami for his response. I do not have anything to add to that, I know I had my hand up... but thank you Mr. Kawakami.

ROY OYAMA: Thank you very much for allowing extra speaking time. Anyway Roy Oyama, Kaua'i Farm Bureau. I understand what Linda Newman is talking about but actually from our view of agriculture, we are talking

about abuse of agricultural land which means when the agricultural land had this priorities of what we're trying to pass, it's abused by people who's coming on the Ag land without agricultural use and violate what is... for protection of the farmers and that's what the Farm Bureau point is. We do not want to abuse and I have to say the truth but Real Estate people, I'm not against them, they're my friends too but we cannot have them abuse it by taking Ag land, making some money not moving it for a higher use of land, yet making it qualify as an agriculture use with agricultural tax base. I believe anytime they want lands of agriculture to be used other than Ag, they should move up their request for an upgrade of classification. And then that way they would be an equal partner of everyone, paying their normal tax base, that's all I wanted to clarify.

Chair Asing: Thank you.

Mr. Oyama: Thank you.

Chair Asing: With that, I'd like to call the meeting back to order.

There being no one else to speak on this matter, the meeting was called back to order, and proceeded as follows:

Chair Asing: We have a motion and a second.

Mr. Furfaro: Yes, yes... we have a...

Mr. Nakamura: We have a...

Mr. Furfaro: We have a motion, I don't know if we have a second.

Mr. Nakamura: We don't have a second.

Chair Asing: I'm not sure...

Mr. Furfaro: Again I want to ask for a deferral to make sure we have this absolutely right.

Chair Asing: Can I have a second?

Mr. Kawakami: Second.

Chair Asing: Thank you. All those in favor say "aye."

Councilmembers: Aye.

Mr. Furfaro moved to defer Bill No. 2318, Draft 3, seconded by Mr. Kawakami, and unanimously carried.

Chair Asing: Motion carried. Next item please.

Mr. Nakamura: Mr. Chair, we're...

Mr. Furfaro: That deferral... excuse me, will be for two (2) weeks and I hope to get a response from the County Attorney's Office, thank you.

Chair Asing: Thank you.

Mr. Nakamura: Mr. Chair we're back on page six (6), page six (6) of the Council's agenda on Resolutions. First Resolution is Resolution No. 2010-40.

Mr. Kaneshiro was noted present in the meeting.

Resolution No. 2010-40, RESOLUTION AMENDING RESOLUTION 2002-25, Draft 1, ESTABLISHING MAXIMUM SPEED LIMITS ALONG ALA KINOIKI, KOLOA DISTRICT, KAUA'I, HAWAI'I: Mr. Chang moved to adopt Resolution No. 2010-40, seconded by Mr. Furfaro, and carried by the following vote:

FOR ADOPTION:	Chang, Furfaro, Kaneshiro, Kawahara Kawakami, Asing	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING	Bynum	TOTAL - 1.

Chair Asing: Next item please.

Mr. Nakamura: Next... last Resolution for approval is Resolution No. 2010-41.

Resolution No. 2010-41, RESOLUTION ESTABLISHING YIELD SIGNS AND YIELD LINES AT ALA KINOIKI, KOLOA DISTRICT, COUNTY OF KAUA'I: Mr. Furfaro moved to adopt Resolution No. 2010-41, seconded by Mr. Chang, and carried by the following vote:

FOR ADOPTION:	Chang, Furfaro, Kaneshiro, Kawahara Kawakami, Asing	TOTAL - 6,
AGAINST ADOPTION:	None	TOTAL - 0,
EXCUSED & NOT VOTING	Bynum	TOTAL - 1.

Chair Asing: Thank you motion carried. Next item please.

Mr. Nakamura: Next matters are bills for first reading. First bill for first reading is proposed draft Bill No. 2366.

BILL FOR FIRST READING:

Proposed Draft Bill No. 2366 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, RELATING TO VISITOR DESTINATION AREA DESIGNATION FOR WAIPOULI, KAPA'A, KAUA'I, HAWAI'I: Mr. Furfaro moved for passage of Proposed Draft Bill No. 2366 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 25, 2010, and that it thereafter be referred to the Planning Committee, seconded by Mr. Kaneshiro.

Chair Asing: Any discussion? Roll call please.

The motion for passage on first reading was then put, and carried by the following vote:

FOR PASSAGE:	Chang, Furfaro, Kaneshiro, Kawahara Kawakami, Asing	TOTAL - 6,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & VOTING:	Bynum	TOTAL - 1.

Chair Asing: Motion carried. Next item please.

Mr. Nakamura: Next bill for first reading is proposed Draft Bill No. 2367.

Proposed Draft Bill No. 2367 – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.1, AND SECTION 21-9.3 OF THE KAUAI COUNTY CODE 1987, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT: Mr. Furfaro moved for passage of Proposed Draft Bill No. 2367 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 11, 2010, and that it thereafter be referred to the Public Works & Elderly Affairs Committee, seconded by Mr. Kaneshiro.

Chair Asing: Any discussion? Roll call please.

The motion for passage on first reading was then put, and carried by the following vote:

FOR PASSAGE:	Chang, Furfaro, Kaneshiro, Kawahara	
	Kawakami, Asing	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & VOTING:	Bynum	TOTAL – 1.

Chair Asing: Motion carried. Next item please.

Mr. Nakamura: Last bill for first reading is Proposed Draft Bill No. 2368.

Proposed Draft Bill No. 2368 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND: Mr. Chang moved for passage of Proposed Draft Bill No. 2368 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for August 11, 2010, and that it thereafter be referred to the Budget & Finance Committee, seconded by Mr. Kaneshiro.

Chair Asing: Any discussion? Roll call please.

The motion for passage on first reading was then put, and carried by the following vote:

FOR PASSAGE:	Chang, Furfaro, Kaneshiro, Kawahara	
	Kawakami, Asing	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & VOTING:	Bynum	TOTAL – 1.

Chair Asing: With that, can we have the County Attorney up please?

There being no objections, that rules were suspended.

Mr. Castillo: Council Chair, Councilmembers, County Attorney Al Castillo, good afternoon. On ES-453 and ES-454.

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. (“H.R.S.”) §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda

item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-453 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the Office of the County Attorney requests an executive session with the Council, to provide Council with a briefing and request authority for a possible settlement proposal in a claim filed by Richard and Melva Arakaki and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-454 Pursuant to Haw. Rev. Stat. sections 92-4, 92-5(a)(4) and (8), and Kaua'i County Charter section 3.07(E), the Office of the County Attorney requests an executive session with the Council to provide a legal briefing regarding constitutional property rights and their relation to the proposed amendments to Bill No. 2364. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and /or liabilities of the Council and the County as they relate to this agenda item.

The meeting was called back to order, and proceeded as follows:

Mr. Furfaro moved to convene in Executive Session at 2:27 p.m, as recommended by the County Attorney, seconded by Mr. Chang, and unanimously carried.

There being no objections, the meeting was in recess at 2:27 p.m.

ADJOURNMENT.

The meeting was called back to order at 3:43 p.m., and there being no further business, the meeting was adjourned.

Respectfully submitted,



PETER A. NAKAMURA  
County Clerk

/ds