

## COUNCIL MEETING

September 15, 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, September 15, 2010 at 9:29 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum  
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?

Mr. Nakamura: First item is the approval of the agenda.

### APPROVAL OF AGENDA:

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

Chair Asing: Next item please.

Mr. Nakamura: Next item is approval of minutes of the following meetings of the Council.

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

Public Hearing of August 11, 2010 re: Bills Nos. 2367 and 2368  
Public Hearing of August 25, 2010 re: Bills Nos. 2366, 2369, 2370, 2371,  
2372, 2373, 2374 and 2375  
Council Meeting of August 11, 2010  
Council Meeting of August 25, 2010  
Special Council Meeting of September 8, 2010

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

Chair Asing: Next item please.

Mr. Nakamura: At this time Mr. Chair, we have a request to take up first on the Council's agenda on page two (2) of the Council's agenda, communication C 2010-424.

COMMUNICATIONS:

C 2010-242 Communication (09/01/2010) from the HSAC President, requesting Council review and approval of the following proposals to be included in the 2011 Hawai'i State Association of Counties (HSAC) Legislative Package:

1. Proposed Bill Relating to the Employer-Union Health Benefits Trust Fund (county representation on the board of trustees)
2. Proposed Bill Relating to the Employees' Retirement System (county representation on the board of the trustees)
3. Proposed Bill Relating to the Penal Code (assault against a firefighter or water safety officer)
4. Proposed Bill Relating to Traffic Infractions (uncontested traffic infractions; fines and forfeitures to counties)
5. Proposed Bill Relating to Counties (appointment of county liquor administrators)
6. Proposed Bill Relating to Counties (appointment of personnel directors of neighbor island counties)

Chair Asing: With that, what I'd like to do is turn it over to Councilmember Kawakami who is the... for the public, who some may not know that he is the HSAC President, with that I'll turn it over to Derek. Derek, maybe what we should do is you can just explain all of the bills and then we can take it as a package, unless anybody else has some concerns.

Mr. Kawakami: *(Mic not on.)*

Chair Asing: I think you can just go over the bills and then we can vote on this all at once. Like I said unless anybody has any concerns, so...

Mr. Kawakami: *(Mic not on.)*

Chair Asing: Okay, why don't we do that first? What I'd like to do is have the public testimony at this time on these bills. Is there anyone in the public who'd like to speak on these bills? With that, Glenn please.

There being no objections, the rules were suspended.

GLENN MICKENS: For the record, Glenn Mickens. Thank you Kaipo. I just have one question, I think Derek may be able to answer it. Mine's is on that fourth (4<sup>th</sup>) number about the traffic infractions. I know that this has been brought up many times and I just wanted to get Derek's take on what the rest of the counties or the powers that we are thinking about giving the counties this money. And I know that... I think Derek, I think you've been in favor of it so anyway I'll probably just wait and you will discuss this, right?

Mr. Kawakami: Yeah we will be discussing, I can address it while we're discussing it or if you're looking for an answer now, but just to clarify the question... you're looking as to how the other counties feel as far as getting these uncontested traffic fines?

Mr. Mickens: Yes.

Mr. Kawakami: They're in full fledge support of it.

Mr. Mickens: Total support of it.

Mr. Kawakami: Yes.

Mr. Mickens: What is the major thing holding it up then? Is the Legislature that is keeping us from getting the money?

Mr. Kawakami: Well the Legislature just like the Lord works in mysterious ways and so everybody is tight for money. And one of the things is, hey you want this money, you want to take over the court system too... what else you want? You know, so it becomes one of those things where we're battling for money and it's just part of the process but you know we continue to forge ahead and keep pushing for it and one day we will be able to get it, I'm confident.

Mr. Mickens: But obviously we're not asking for something we don't deserve, our police force is the one... we're paying for the policemen and they're out getting these traffic tickets so we're not asking for money from the State that really isn't our money so. And with the pressure I hope then if all the rest of the counties are in favor of this, I hope from the pressure there that you know, we can influence the State but anyway thanks for everything you do Derek.

Mr. Kawakami: Thank you.

Chair Asing: Ah Glenn just for your information you know I think Derek kind of hit the nail on the head, the Legislature is like the Lord work in strange ways but you know this particular item as many of the other items go back like twenty (20) years, we've been trying and trying and trying to get what we feel is our fair share and we continue to do that and we don't stop not doing the work for the people of Kaua'i.

Mr. Mickens: I do know how long this has been ongoing and I know that you, you Councilmembers are the ones and prior Councilmembers have been working hard trying to get that money in the, our thing which we can direly use especially at this stage of the game so I appreciate it that Kaipo.

Chair Asing: With that, Councilmember Furfaro.

Mr. Furfaro: Glenn, I just wanted you to make sure you understand, this is only addressing uncontested fines and the justification there is that if they are uncontested the reality is, there's no administrative expenses, court expenses and so forth that are incurred by the State. So this new approach is about the uncontested funds.

Mr. Mickens: The uncontested only, in other words, not all the traffic fines?

Mr. Furfaro: No.

Mr. Mickens: But the rest of them will continue to go to the State so we can...

Mr. Furfaro: Well I think... our elected president is saying that over time, so maybe this is a little different strategy to at least go after those that are uncontested where we can point out that there's no incurred cost associated with the State.

Mr. Mickens: So we can get our foot in the door is what you're saying?

Mr. Furfaro: I think you hit it right on the door knob.

Mr. Mickens: Okay, thanks Jay.

Chair Asing: Thank you. Is there anyone else who wants to speak on any of these items? If not, I'd like to call the meeting back to order and with that Councilmember Kawakami.

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

Mr. Kawakami: Thank you Chair and before we begin first and foremost, I'd like to thank our Legislative delegation up in Honolulu. You know the simple fact of the matter is you know going into deeper explanation is how the Legislature works is, there's a lot of Representatives and Senators that don't have county experience but luckily we have a Legislative team that does have county experience. We have former State Senator Gary Hooser who, you know came from this same table. We got Representative Jimmy Tokioka who came from this same table. We have Representative Roland Sagum who's you know, he's worked on some county commissions, and also Representative Mina Morita and we're a small enough community where county issues are you know that line between county and state issues are blurred because we're such a small community so, they see firsthand the importance of all these things and they've been very important. We also have our Senator Ron Kouchi back there and I'm sure he's going to want to come up later on.

But we're going to go over this Legislative Package, and just to give you a brief overview as to the process, these six (6) bills shall they pass today, is not going to be the final HSAC Package because we have other three (3)... three (3) other counties that are going to be coming in with their proposals. And then it's going to hit the HSAC Executive Committee, where the Executive Committee takes a vote on it and from there it needs to be shot back to the respective counties and it has to be approved unanimously amongst all four (4) counties to make it. And that is the process, so this is by no means the final draft, this is just Kaua'i's portion of it.

So let's go down the line and the first one is proposed bill relating to the employer-union health benefits trust fund. This was generated from HCOM so Mayor Carvalho and his counterparts from the other counties came together and they had this proposal on the HCOM package. We had a similar bill but ours didn't make it and it didn't make it just by the fact that it created an inequity in that trust fund. Basically what this does is it just allows the county representative to be at the table for the EUTF. You know EUTF is a trust fund, it's a health benefits trust fund for our employees and it's about five hundred fifty million and of that five hundred fifty million, about one hundred twenty-eight million comes from the counties, and yet we have no county representation. So if there's any changes to the medical or the health benefits, there's really no county representative that's held accountable, there's no clear line of communication and often times county employees are left in the dark as to any changes. And so this really pushes to have equal representation or at least one (1) representative to the table. We feel that it's fair, we feel that it's justified and this is going to be the second go-around that we're going to be pushing for this, so this came from HCOM.

You're going to notice that a lot of these bills, they're probably going to be included in HCOM's Legislative Package also and in the spirit of Bernard, Mayor Carvalho's Together We Can, we felt that it be best if we could both concentrate our efforts both HSAC and HCOM and really push for it at the State level. The way that this would work is that one (1) representative would be selected by the four (4)

Mayors and it would have to be a unanimous selection and then they would float that name down to HSAC which we would then go through the approval process. So we would approve at the Executive Committee level, the name would get shot out to all four (4) counties of which every County Council would have to adopt that name for that to work.

Going next down the line is, is very similar... and this also came from HCOM and it's to add a representative to the employer's retirement system board of trustees and it works in the similar fashion, in fact it's the exact same mechanism that would include an additional representative to the ERS. We once again, we feel that it's justified, we feel that's its fair.

Number three (3), this one was generated from Kaua'i and after attending that Water Safety Conference with our lifeguards, our County lifeguards, an issue became apparent. We have police officers that are protected by our State law that if you should assault a police officer in the line of duty, it would be a class C felony and yet we found out that fire fighters and water safety officers are not protected to that same degree. Now these guys are in charge of protecting us and I felt that we are also compelled to keep those that keep us safe, we need to keep them safe also so this just brings the fire fighters and water safety officers to that same standard that we hold police officers, when they're trying to go out there and save lives or fight crime and they're the first responders and sometimes you know in today's world you have emotions running, a lot of times you have people that are under the influence of drugs and our fire fighters and life guards were not protected. So this attempts to provide them with some legal protection.

Number four (4), we had this as part of HSAC's package in the past, I'm sure Senator Kouchi has seen this one also as far as our other Legislatures up there and this one is included at the request by Councilmember Bynum, he wanted to see this again, it's a good one. And as Glenn Mickens has testified that... it's fair. You know these are for uncontested traffic fines. It is our county police officers issuing these tickets, if they're being uncontested, the burden doesn't really lay on the State Court system and so we felt that if we're able to get some of these fines, it will help close that budget gap that we've been fighting for. At this time, I would actually like to suspend the rules because the next two (2) proposals have come from our Administration and in attendance we have Mr. John Isobe and if he could come up and go over the last two (2) which is bills related to counties as for the appointment of County Liquor Administrators and the appointment of Personnel Directors of neighbor island counties. So the rules are suspended.

There being no objections, the rules were suspended.

JOHN ISOBE, EXECUTIVE ASSISTANT TO THE MAYOR: Good morning Councilmembers. As Councilmember Kawakami has indicated, the last two (2) bills are fairly similar in nature...

Mr. Furfaro: Excuse me John.

Mr. Isobe: Yes.

Mr. Furfaro: You need to introduce yourself.

Mr. Isobe: Oh, I'm sorry. For the record my name is John Isobe, I'm the Executive Assistant for the Mayor and the Administrator for the Office of Boards and Commissions. As I was saying, the last two (2) bills are home, what we consider to be home rule issues. And it's fairly straight forward, in the State's statutes, the State laws dictate how two (2) of the county administrators are

appointed and all this bill does is it says that the Personnel Director and the Liquor Director for the Counties should be appointed pursuant to their county Charters and that the appointment process should not be dictated by State law. And the change would be that simple, so then what would occur is rather than the State dictating how county departments heads are appointed, the controlling document would be the County Charter which is ultimately adopted by the voters of Kaua'i. So I'm happy to answer any questions that you may have.

Mr. Kawakami: Councilmember Kawahara.

Ms. Kawahara: Thank you. Thank you for being here because these are the ones, these two (2) are the ones that I wasn't familiar with. There's just the County Liquor Control and the Personnel Directors, we have a lot of different Commissions and a lot of different Directors... why are these two (2) being brought out separately or are they just never have been brought together in the county level in the first place?

Mr. Isobe: Well the County Charters already dictated... not dictate but the County Charter spell out how these two (2) positions are appointed and in the County Charter it currently says that these positions are appointed by the Liquor Commission for the Liquor Director and the Civil Service Commission for the Personnel Director. These two (2) positions however, also in State law say that the positions should be appointed in this particular manner, so all we're trying to do is clean up the laws so there's no State jurisdiction if you will in terms of how these positions are appointed. So as an example, if any of the counties wanted to change their process for appointment, what would be then the controlling document would be their County Charters. In the current situation, we could not amend the County Charter because it would not be the controlling document, in fact it would be the State law. So that's why the request is being made.

Ms. Kawahara: Okay. So what I'm hearing is that these two (2) positions overlap with the State and they're the only two (2) positions that overlap with the State?

Mr. Isobe: That is correct.

Ms. Kawahara: Besides all the other Commissions we have?

Mr. Isobe: The rest of the Administrative cabinet positions are all dictated by the County Charter with the exception of these two (2) positions.

Ms. Kawahara: Okay. That's the questions I have for now, I'm formulating another. So if there's any other people...

Mr. Kawakami: Any other Councilmembers have any questions for Mr. Isobe? Vice Chair?

Mr. Furfaro: Thank you Mr. Kawakami. Mr. Isobe I wanted to hear a little bit about, recently about six (6) weeks ago I made a presentation in front of the Civil Service Group and it was based on the fact that, I was quite concerned to see the editorials in the Garden Island Newspaper from our Personnel Director that implied the only body of employees that he really sees himself structured to guide through Personnel management issues were those associated with Civil Service and it almost implied that he excluded himself from participating in items that dealt with managers that are appointed and so on... did the Administration have any concerns there as it relates to the attempt of, of really correcting these appointments, that there is a broader responsibility there for us to

manage issues about complying to employment laws for people outside of the Civil Service...

Mr. Isobe: I think there are several conversations that are currently ongoing. The Mayor has in fact been present in front of the Civil Service Commission and has spoken to them and has indicated a desire to work towards transforming, if you will, the Personnel Department into a full fledged Human Resources Department. We are also working with the County Attorney's Office to ensure that as that transformation takes place and it is going to be a very lengthy transformation process, then in fact all of the legal requirements are being met. As far as the existing duties of the Personnel Director, I think that question would be better placed with the County Attorney's Office in terms of how the County Charter is being interpreted, as well as every Department Head has a job description if you will and that the assumption is that that job description specifies what the duties and responsibilities of the position is and I, without having that information directly in front of me, I have to assume that in fact the duties of the Personnel Director as spelled out in his job description is consistent with that of the County Charter but I cannot speak to that specifically this morning.

Mr. Furfaro: Okay I will direct separate communication then to the County Attorney and I will also forward to the Mayor's Office and the County Attorney, my testimony in front of the Civil Service Commission. You know these are practices that I think need to be standardized not just for Civil Service staff but also for those that are responsible for the guiding of our management and employment policies at all levels of the county and I just wanted to ask... I'm delighted to hear, you expressed to me that the Mayor has similar concerns but at this point I will direct it to the County Attorney and I will ask that my testimony from that Commission be forwarded to both your office as well as the Mayor's.

Mr. Isobe: Thank you.

Mr. Furfaro: Thank you Mr. Isobe.

Mr. Kawakami: Councilmember Bynum.

Mr. Bynum: Good morning John, thanks for being here today and I'm going to focus on also Personnel. My assumption is if the Administration is here, it's their desire to have the Personnel Director appointed by the Mayor eventually. Would that be a correct assumption?

Mr. Isobe: Well we have not yet made that monumental leap. At this point in time as far as the, that HCOM is concerned... all what we're trying to do at this point is ensure that each county has the ability or authority to determine how these cabinet level positions should be appointed. Obviously if in fact there is a desire either by the administration, this body or the elector at large, at the very least it will allow Kaua'i to then determine how these particular cabinet positions should in fact be appointed and/or removed.

Mr. Bynum: I have a couple of other questions and because since I've been on Council there's been a number of concerns about our Personnel structure, what the... and I've gotten mixed messages about who's responsible for what. There are county policies that are not implemented you know consistently across the board and when you say well isn't it the Personnel's responsibility, it's like no not really. So I think all of the intention of this issue and the, you know some of the questions that Councilmember Furfaro is important. I know that the Administration is looking at that as well but you know from your previous answer, you don't have an end game in mind right now is what I'm hearing?

Mr. Isobe: In terms of this particular Legislative matter?

Mr. Bynum: Right.

Mr. Isobe: The end game at this point again is to position the county so they can control if you will, their own destiny in terms of how County personnel are hired and removed. As it currently stands, that process is pursuant to State law and not county policy and/or the County Charter.

Mr. Bynum: Right and you know just to clarify I'm likely to support this today because you know this is going through an extraordinary level of scrutiny, each county has to unanimously agree you know then it would be to the voters if there's going to be any change because it would require Charter Amendment, do I have that right?

Mr. Isobe: Well it would require a Charter Amendment if in fact, to change it, if in fact this particular piece of State Legislation is amended to in fact authorize the counties to appoint these two (2) positions via the County Charter. Currently, the current State law supersedes the Charter.

Mr. Bynum: Right.

Mr. Isobe: It does not allow for the Charter to in fact determine how these positions are...

Mr. Bynum: My only point is if there were to be any change, it's got to go through several levels of scrutiny, and public input and agreement from the Legislature you know to get it on the Charter from say a Charter Commission or the Council.

Mr. Isobe: Oh, yes.

Mr. Bynum: Right?

Mr. Isobe: If in fact...

Mr. Bynum: And so you know to make the changes would be a long time coming but you know we created and I supported in creating the Office of Boards and Commissions and part of that concern was to make sure that the Commission understood particularly the ones who have oversight of the manager, right? To make sure they have the tools, the resources available to fully fulfill their responsibilities as Boards and Commissions members and so you know the kind of questions in my mind is... aren't we getting an improvement at personnel in terms of that oversight because we have the Office of Boards and Commissions, because we have the staff people to provide them that support, you know won't they be in a better position to provide not just oversight over the particular issue but also fulfill their responsibility to manage the manager.

Mr. Isobe: Well I mean, we are working to that and at this point in time as I indicated earlier, we are in conversation with the Civil Service Commission in terms of expanding if you will the focus and scope of Personnel Department. Having said that, however, the day to day administration of the Department obviously still rests within the Director of Personnel Services. The Civil Service Commission albeit, they oversee the Personnel Department are not allowed to interfere with the day to day operations and so as we walk and go through this transformation, it's going to require obviously the support of the

Commission, the support of the Mayor and ultimately the support of this body in terms of either potentially adding positions or shifting positions if you will, within the county to in fact put the necessary resources into the department so it can serve and provide the expanded functions. But like I said it's a tedious and very long process if you will; it's not going to happen overnight.

Mr. Bynum: Right and I understand that. And one last question, you said earlier that these two (2) positions are dictated by State law, I thought that was also the case with Police and Fire Chief.

Mr. Isobe: Not with the Fire Chief. That was the case with the Police Chief, we were... these three (3), these two (2) bills along with a bill to do exactly the same thing with the Police Chief were introduced in the last session. The bill that, for the Police Chief passed in the last session; these two (2) bills did not, so what we're attempting to do in this session is reintroduce those bills and hopefully get them passed in this upcoming Legislative Session.

Mr. Bynum: I should have known that. The bill that allowed the county to change the Charter about the way the Police Chief passed the Legislature last year?

Mr. Isobe: Correct.

Mr. Bynum: And was signed by the Governor?

Mr. Isobe: Correct.

Mr. Bynum: I was unaware of that, I should have known that. Thank you very much.

Mr. Isobe: You're welcome.

Mr. Kawakami: Councilmember Kawahara.

Ms. Kawahara: Thank you. I realize that we're going to get more information as we go along because this is very early in the process but for now, are you aware of what the original legislative intent was to put just these specific positions and Commissions under the State?

Mr. Isobe: No, I'm not. But I can research that and get that information.

Ms. Kawahara: Okay. So I'll be sending over a communication about that to see why they originally started that way. Thank you.

Mr. Kawakami: Thank you. Seeing no further questions...

Chair Asing: Yeah, I just had one comment...

Mr. Kawakami: Sure.

Chair Asing: No matter what happens, we need to have this passed, otherwise it won't work because the State law supersedes the Charter, am I correct?

Mr. Isobe: That is correct, that is the opinion that we have received.

Chair Asing: Thank you.

Mr. Kawakami: Thank you Mr. Isobe.

Mr. Isobe: You're welcome.

Mr. Kawakami: At this time the rules are still suspended, we have State Senator Kouchi, I would like to call him up to the stand because he did work on these items for HSAC so he does have some information for us that we'd like to hear about. Senator Kouchi the floor is yours.

SENATOR RON KOUCHI: For the record Ron Kouchi, thank you HSAC President Kawakami, members of the Council. When James Pacopac and I were here in May and submitted our Legislative wrap up, Councilmember Bynum, we did cover the police chief bill passing and we had reassured you of the same things that Mr. Isobe is reassuring not just the Council but the public at large about which is even if the statute is amended and the Legislation passes, it did not mean that the Mayor was going to be able to automatically appoint these positions. Our Charter still says that they are selected by Commissioner, by the Commissions that oversee them and any change to that would be... would require an amendment to our current County Charter. There are a lot of governing or there is a lot of governing legislation relative to the counties in the State statutes because we did not have a Charter until I believe 1971 and that's when the County of Kaua'i was incorporated and then had a Charter, and so it's not a surprise that the Charter language for those departments mirror what was in the statutes because you could not be contrary to any of the State statutes that were on the books at that time. Again, just on the home rule doctrine and the mission of the County is ever changing, the technology in which we communicate with our constituents is changing so rapidly, I do think that you know in those particular instances it is important for the county, each individual county to be able to determine how they'd like to carry out their mission and you know each county has their own separate and unique issues and how they are... how financially fit each county is, is very different and so you may need to have alternative options in how you want to get your job done and what might be the most efficient way for you to go about that job. I think that is important and actually that was my County of Kaua'i lobbyist that the... As newly appointed Senator for Kaua'i, I saw the agenda item, I talked to the Chair last week, he indicated there would be some discussion on the Legislative Package, so I just was actually hear to listen to the discussion and you know be aware of what the Council and the Mayor was considering and you know help me be better prepared you know should I have... be in the position to deal with the Package when you submit it in January. And lastly I just want to express to Chief Westerman, Happy Birthday. Thank you. Do you have any questions before I...

Mr. Kawakami: Councilmembers any questions? Councilmember Bynum.

Mr. Bynum: I know that you and James did a fine job for us last year and I'm sure this was covered and just escape me at this moment. But and I wanted to take this opportunity to congratulate you being appointed as an interm Senator from Kaua'i. You have the... a vast or house of knowledge in expertise and when it comes to government so thank you for the service you provided last year as our lobbyist at the State Legislature, quite successfully actually so thank you.

Mr. Kouchi: Thank you Councilmember Bynum.

Mr. Kawakami: Thank you.

Mr. Kouchi: And I guess the only other historical piece is that and this was something that was discussed between Mr. Pacopac, the Mayor, Mr. Isobe, Cyndi Ayonon who was the lead person overseeing the contract for the Administration, there was some problems with Mayor Tavares not communicating well with her Liquor Department Head and somehow you know they were of the impression if the Legislation had passed that you know there was going to be an immediate ability by the Mayor to make that appointment. Unfortunately, for those of us involved lobbying on behalf of the measure, former Senator Joe Tanaka is currently serving as a Liquor Commissioner on Maui and with the relationships that he has at the State Senate, he was able to pick up the phone and ensure that the bill was not going to move forward and so you know we're working on trying to get the accurate information to Senator Tanaka as well as the Liquor Director on Maui to let them know that it would require a Charter change and nothing would be different from what was done. And I think you know as you can see although this was passed in May you know, there's nothing from the Mayor yet... relative to the Chief of Police so it wasn't a matter of trying to get that change so that the Mayor could now appoint the Chief of Police. They're just about or have already missed any deadline to have a Charter amendment put forward to be considered so you know the earliest you'd see any kind of change probably would be two (2) years from now, in the next election so... as to answering your question... did they want to get this passed so they could immediately move forward in that direction you know that has not been the case when the Chief of Police Legislation passed.

Mr. Kawakami: Councilmembers? Okay seeing none, thank you Senator Kouchi. Could I get Chief Westerman up to the stand? Chief, I'm assuming you're present here for proposed bill number three (3) relating to the Penal Code against... assault against a firefighter or water safety officer?

ROBERT WESTERMAN, FIRE CHIEF: Yes sir.

Mr. Kawakami: The floor is yours.

Mr. Westerman: Thank you. Robert Westerman, Fire Chief, County of Kaua'i. Thank you Councilmember Kawakami and members of the Council. I just really wanted to kind of be brief and come up and say we're in support of this legislation, we think it's important and the comment that you made was exactly right, is that society is changing on us so fast and we've had several incidents, not us personally having drastic incidents but across the mainland U.S. where firefighters have been assaulted while putting out a fire on a house. And you're right some of that was due to intoxicated residents or intoxicated neighbors, those on other drugs and it's really sad I mean they're there to perform the service and it happens. I hate to say that we kind of expect it now but even on Kaua'i there's occasion where, when we do respond and we're responding to a medical incident and it might be or had been maybe a family abuse incident or it had been domestic violence or something, somebody always has their point of view and if they're intoxicated and in some cases where they're just really mad... we're there and the same things happens to police officers routinely and so I think it's only fair that the water safety officers and the fire fighters be added to that same... part of the Penal Code so if they are assaulted while they're doing their job, that there is some recourse that can be taken.

Mr. Kawakami: Thank you Chief Westerman. Councilmembers any questions or comments? Vice Chair.

Mr. Furfaro: Yes Chief. Chief just as Mr. Kawakami is gathering this and has some concurrence with other County Councils, is it possible

that you can send over to us, just some simple training guidelines that you currently have for your fire fighters and the water safety personnel as... what are they trained on as far as a confrontation comes up? Just so that we have a better understanding of what kind of training they have and what kind of limits they have... even if it's just a matter of making radio contact with a police officer. Could you send something over...

Mr. Westerman: Right. And that's basically what that is, is we direct them to be non-confrontational and if it gets to that point, immediately get on the radio and call dispatch to let them know we need a police officer on the scene.

Mr. Furfaro: But anything that deals with their documentation training as to what might have stimulated the encounter or anything?

Mr. Westerman: Yes.

Mr. Furfaro: That you have in the current training profile. Thank you Chief.

Mr. Kawakami: Councilmembers? Seeing none, thank you Chief. Okay, I'd like to call this meeting back to order. Are there any other questions or comments from Councilmembers on this Legislative Package?

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

Mr. Bynum: Thank you Councilmember Kawakami. I can be in full support of this package and I very much appreciate your leadership on HSAC and you know we discussed all of these items before and as I pointed out earlier, any changes of appointment of Liquor Commission or Personnel Directors, would have to go through multiple levels of scrutiny and decision making, in particular in the Personnel area you know that's something that I think we all have some concerns about the current structure so the dialog is very positive. And I have to also... take this opportunity to just say you know I hear in the press people saying police are writing tickets so they can line the pockets of the county government. So it's really important to know that currently no matter how many tickets the police write, it doesn't impact county revenue. All of that revenue goes to the State and it's reasonable that the county be compensated for particularly fines that are uncontested and I believe this package if I'm correct, doesn't even ask for all of that, it asks for a percentage of that. And so it's a reasonable thing and we're asking the Legislature for a number of years to do something reasonable but you're saying hey take some of your revenue and transfer it to the County so maybe that's tough for them to do but it's an appropriate package. Thank you again.

Mr. Kawakami: Thank you. Councilmembers any? Vice Chair.

Mr. Furfaro: Yes, I want to thank you as well for really the fine job you're doing for us as well as all the counties. I want to make sure we understand my query with the Fire Chief is no more to really than to understand what the limits they have right now and that if we are going to go through these steps that you expressed to us, it's important that we review existing standards and why it is necessary for us to make some changes. I have no real query other than I would be sharing some future dialog with the Mayor's Office and Mr. Isobe on matters that establishes you know a level playing field when it comes to managers. Whether they're Civil Service and/or appointed, they should all be practicing the same standards. I will keep you informed on that.

Mr. Kawakami: Thank you Vice Chair. Councilmembers? Okay before I turn it back over to the Chair, I just want to say thank you to all of you because without your support, I wouldn't be up at HSAC doing what I love which is rolling up my sleeves and fighting on behalf of the County. It is a science and a art, luckily we do have some great Legislative Representatives and Senators and friends up there that do see eye to eye with the counties, they do have county experience and they lobby hard for our county. They love Kaua'i and they work hard, they work hard to make sure that the counties get their fair share. And the mission that we are sending to the Executive Committee and the other counties are first and foremost. HSAC is a liaison between State and county governments and we got a lot of educating to do. We need to educate them on the challenges that the County face, even though they're State and County issues, if it's island issue, it's an island issue. There's no such thing as an State resident or a county resident, we're Kaua'i residents and that is our first and foremost mission and along with that it's preserving that TAT tax revenue that we depend on that trumps a lot of the other priorities at this time. You know the State is still in dire economic straits and if we were to lose our TAT, it would just compound the issue and put one burden on to our backs. With that Council Chair, I'll turn it over to you.

Chair Asing: Thank you. Before I ask for a motion to approve, I'd like to ask for a motion to approve the entire package, all six (6) items... I just want to recognize and thank Councilmember Kawakami for all his hard work on HSAC. Councilmember Kawakami is not only representing Kaua'i and HSAC but he is also the President of HSAC and he's also a member of NACo which is the National Association so I just want to recognize his diligence and hard work not only on the local level here on Kaua'i, the State level, he's also involved on the National level so I just wanted to thank you for all of your hard work that you've been doing all along. With that, can I have a motion to approve the entire package?

Mr. Furfaro: Yes I will make a motion as such to approve the entire package as presented to the Council.

Mr. Chang: Second.

Mr. Furfaro moved to approve C 2010-242, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Council Chair at this time we're back on page one (1) of the Council's agenda, communication's for receipt. Communication C 2010-237 and communication C 2010-238.

C 2010-237 Communication (08/04/2010) from the Director of Personnel Services, transmitting for Council information, the Fourth Quarter Reports (April – June) relating to vacancies, new hires, reallocations, promotions, and positions established, pursuant to Section 20 of the County Budget Ordinance: Mr. Chang moved to receive C 2010-237 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

C 2010-238 Communication (08/03/2010) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for July 2010:

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

Mr. Chang moved to receive C 2010-238 for the record, seconded by Mr. Kaneshiro, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: At this time we're on page one (1) for communication for approval, communication C 2010-239.

C 2010-239 Communication (08/24/2010) from the Director of Planning, requesting Council approval to apply for, receive and expend funds from the Sustainable Communities Regional Planning Grant Program administered by the U.S. Department of Housing and Urban Development (HUD) for \$1 million, of which the County will match funding in the amount of \$600,000 from the FY 2010-2011 General Plan update appropriation.

Chair Asing: Any discussion?

Mr. Furfaro: Yes.

Chair Asing: Yes, go ahead Councilmember Furfaro.

Mr. Furfaro: I just wanted to reconfirm with the staff that our portion is in fact in the current budget and I just wanted to acknowledge the plan for those funds to be available for this General Plan piece.

Chair Asing: Thank you. Any further discussion?  
Councilmember Bynum.

Mr. Bynum: Yeah I wanted to thank the Administration for pursuing this grant. This is... I am actually thrilled about this. We currently do... have a General fund as Councilmember Furfaro said, a General Plan update. We also have transportation planning and everything the County does is interrelated. When we have good plans... so sometimes the plans sit side by side and don't really connect to each other, we take one (1) action that seems contrary to the other action. This is Federal money that's available to do regional planning and I just want to read just one (1) sentence from the Executive Summary of the Grant. It says the plan will identify the interrelated opportunities in transportation, housing, economics, land use and environmental planning that will allow the region to counter threats to its long term sustainability and hence the quality of life for current and future generations. So this is a really timely opportunity to take our planning process and integrate it in a way that focuses on sustainability in the future and to acquire federal funds to help do that. You know the plans that we come up with also integrate with our capital improvement projects and the money we spend on your behalf, you know to improve the infrastructure of our county and so I really admire the Administration for taking the initiative on this and you know trying to give us the opportunity to integrate the plans that we already do so kudos to those agencies that all had to get on board with this housing, transportation, planning, with planning being the leader. Thank you.

Chair Asing: Thank you. Any further discussion?  
Councilmember Furfaro.

Mr. Furfaro: Thank you Mr. Chair and I do want to share with the rest of my colleagues at the table, I spoke to Mr. Costa recently and I've asked him to prepare for us in October future agenda the current update on the project release summary that we started at the end of the year covering everything from the CZO and so forth, so that... we all get to a new point in their agenda.

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

Councilmembers: Aye.

Mr. Bynum moved to approve C 2010-239, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next matter for approval on page one (1) of the Council's agenda is communication C 2010-240.

C 2010-240 Communication (08/03/2010) from the Director of Housing, requesting Council approval to decline its repurchase right to buy back property located at 3592 Makaala Street, Hanapepe, Hawai'i 96716, TMK (4) 1-8-015-043 and that the Housing Agency issue the devisee a one-year waiver of the County's repurchase right effective the date of the Council's decision, thus permitting the devisee to sell the unit on the open market for a period of one year. Mr. Chang moved to approve C 2010-240, seconded by Mr. Kaneshiro, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: On page two (2) of the Council's agenda, next matter for approval is communication C 2010-241.

C 2010-241 Communication (09/08/2010) from the Director of Economic Development, requesting Council approval to Re-direct departmental utility bill paying and maintenance funds from the County's Annual Operating Budget for subsequent fiscal years, subject to availability to pay for the annual financing costs of the energy savings Performance Contract program.

Chair Asing: Any discussion? If not, what I'd like to do is approve this and have some questions that I will be sending to the Administration. Some of the kinds of questions that I have is that... what I'd like to see is in the Department's budget there is both money for the maintenance and the electric bill paying and what I'd like to do is have the Administration set up an additional account for this program so that the money will be transferred into that special account for tracking purposes. So these kinds of things I think we can work out but we need to just get the approval first and I will also be asking the Administration to do a annual report on the program so that we know how effective the program has been. So, with that, I'll be sending that communication over with the approval. Any further discussion? Yes, Councilmember Bynum.

Mr. Bynum: Thank you Mr. Chair and I agree with the comments you just made, it makes a lot of sense and just... also there are three (3) items on today's agenda where the Administration, I think has taken initiative in the direction that the community would support and this is one of them where and I want to recognize our energy specialist Glenn Sato, who's worked on this proposal. And basically just real briefly, this hires a consultant to make the county energy and efficient in its operations and any funds that pay for that consultant have to demonstrate that they're coming from savings. So there really is not out of pocket expense for this. It's just bringing in the expertise that's greater than perhaps we would have about how we can target our energy efficiency initiatives the most effectively. So this is a really positive thing, thank you.

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

Mr. Furfaro: Yes Chairman, I think your idea of coming back with the repair and maintenance issue in one corner versus the actual consumption in another but I do want to caution the Administration as we go to do a program performance on this, be very prepared for this Council to look at the numbers at tracking on the ROI or the return on investment. Because there is money up front for this that should equate to a reasonable savings if we manage the systems appropriately and the perfect example is that of the TRANE system that is at our Court House, Police Station and the Civil Defense Office. So we need to have this kind of detail, I agree with you Mr. Chair.

Chair Asing: Thank you. Any further discussion?

Mr. Bynum moved to approve C 2010-241, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Next item on page two (2) of the Council's agenda is a Legal Document, communication C 2010-244.

#### LEGAL DOCUMENTS:

C 2010-244 Communication (09/02/2010) from the Mayor recommending approval of the following from Michael Lombardi, Trustee of Michael Lombardi Revocable Living Trust dated April 7, 1992:

- Dedication Deed conveying Lot 9, Hauiki Estates Subdivision, Kapa'a Homesteads, 2<sup>nd</sup> Series, Waipouli, Kaua'i, Hawai'i, to the County for road widening improvements along Hauiki Road.

Mr. Furfaro moved to approve C 2010-244, seconded by Mr. Chang, and unanimously carried.

Chair Asing: Peter did we?

Ms. Kawahara: Skip?

Chair Asing: Take communication 243?

Mr. Furfaro: We're waiting.

Mr. Nakamura: What we're going to do Mr. Chair is take the receipt of the communication and the Resolution that's attached to it at the same time.

Chair Asing: Okay, good. Thank you. Next item.

Mr. Nakamura: Next matter are claims, two (2) claims communication C 2010-245.

#### CLAIMS:

C 2010-245 Communication (08/25/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joyce G. Anglemyer for loss of personal income, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Furfaro moved to refer C 2010-245 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Bynum, and unanimously carried.

C 2010-246 Communication (8/26/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Progressive Casualty Insurance Co., as subrogee for Ryan Shigematsu for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Furfaro moved to refer C 2010-246 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: On page three (3) of the Council's agenda, next matters for approval are Committee Reports from your Committee on Budget & Finance.

#### COMMITTEE REPORT:

##### BUDGET & FINANCE COMMITTEE

A report (No. CR-B&F 2010-21) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

"Bill No. 2369 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, 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 (\$70,000.00 – Hanapēpē Bridge Pedestrian Walkway Repairs),"

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2369.)*

A report (No. CR-B&F 2010-22) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

"Bill No. 2370 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, 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 (\$76,000.00 – Contribution to Solid Waste Fund),"

Mr. Kaneshiro moved for approval of the report, second by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2370.)*

A report (No. CR-B&F 2010-23) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

“Bill No. 2371 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL 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 (\$400,000.00 – Project Contingency),”

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2371.)*

A report (No. CR-B&F 2010-24) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

“Bill No. 2372 – 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 (\$822,391.00 – Solid Waste Fund; \$603,121.00 – Sewer Fund),”

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2372.)*

A report (No. CR-B&F 2010-25) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

“Bill No. 2373 – 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 (\$200,000.00 – Sewer Fund, ‘Ele‘ele Main Replacement, Waialo Road & Highway),”

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2373.)*

A report (No. CR-B&F 2010-26) submitted by the Budget & Finance Committee, recommending that the following be approved, as amended, on second and final reading:

“Bill No. 2374 – A BILL FOR AN ORDINANCE TO AMEND 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 (\$95,000.00 – Solid Waste – Host Community Benefit (CAC Process)),”

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2374, Draft 1.)*

A report (No. CR-B&F 2010-27) submitted by the Budget & Finance Committee, recommending that the following be approved on second and final reading:

“Bill No. 2375 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 BY REVISING THE BUDGET PROVISIONS (Kekaha Host Community Benefits accrued interest account),”

Mr. Kaneshiro moved for approval of the report, seconded by Mr. Furfaro, and unanimously carried. *(See later for Bill No. 2375.)*

Chair Asing: Any discussion? Hang on, Glenn please. The rules are suspended.

There being no objections, the rules were suspended.

GLENN MICKENS: Thank you Kaipo, for the record Glenn Mickens. I just wanted to thank Lani for her words of wisdom at our last Committee meeting when she questioned the spending on Bill No. 2374, 2010-26, spending the eighty-five thousand dollars (\$85,000.00) for this issue and now needing to spend another ninety-five thousand (95,000) for the same issue. I don't know this but I presume that most of this is going to the consultant to be able to come up with this added fee but I know Lani brought it up as a pretty good issue. I just want to complement her because I think the general public looks at this in the same way, we're going to spend what... a hundred and seventy, a hundred eighty thousand dollars on this issue and hopefully you put a cap on it but we can't spend over another eighty (80)... ninety-five thousand dollars (\$95,000.00) but it seems like a lot of money to go over the same issue that we went over before, so anyway thanks Lani.

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: We have the motion to approve all of these items, any further discussion? Next item please.

Mr. Nakamura: From your Committee on Public Works and Elderly Affairs, we have Committee Report CR-PWE 2010-10.

#### **PUBLIC WORKS/ELDERLY AFFAIRS COMMITTEE**

A report (No. CR-PWE 2010-10) submitted by the Budget & Finance Committee, recommending that the following be approved, as amended, on second and final reading:

“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. Bynum moved for approval of the report, seconded by Mr. Kaneshiro, and unanimously carried. (See later for Bill No. 2367, Draft 1.)

Chair Asing: Next item please.

Mr. Nakamura: We’re on bills for second reading Mr. Chair, page five (5) of the Council’s agenda. First bill for seconded is Bill No. 2369.

BILLS FOR SECOND READING:

Bill No. 2369 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL 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 (\$70,000.00 – Hanapēpē Bridge Pedestrian Walkway Repairs)

Mr. Bynum moved to approve Bill No. 2369 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Kaneshiro, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2370.

Bill No. 2370 – 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 (\$76,000.00 – Contribution to Solid Waste Fund)

Mr. Kaneshiro moved to approve Bill No. 2370 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Chang, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2371.

Bill No. 2371 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL 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 (\$400,000.00 – Project Contingency)

Mr. Kaneshiro moved to approve Bill No. 2371 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Chang, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2372.

Bill No. 2372 – 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 (\$822,391.00 – Solid Waste Fund; \$603,121.00 – Sewer Fund)

Mr. Kaneshiro moved to approve Bill No. 2372 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Furfaro, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2373.

Bill No. 2373 – 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 (\$200,000.00 – Sewer Fund, ‘Ele‘ele Main Replacement, Waialo Road & Highway)

Mr. Furfaro moved to approve Bill No. 2373 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Bynum, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2374.

Bill No. 2374, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND 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 (\$95,000.00 – Solid Waste – Host Community Benefit (CAC Process))

Mr. Furfaro moved to approve Bill No. 2374, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Chang, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2375.

Bill No. 2375 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 BY REVISING THE BUDGET PROVISIONS (Kekaha Host Community Benefits accrued interest account)

Mr. Chang moved to approve Bill No. 2375 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Furfaro, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please.

Mr. Nakamura: Next bill for second reading is Bill No. 2367, Draft 1.

Bill No. 2367, Draft 1 – 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. Bynum moved to approve Bill No. 2367, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Ms. Kawahara, and carried by the following vote:

Chair Asing: Any discussion? Hang on, I'd like to suspend the rules, Glenn.

There being no objections, the rules were suspended.

Mr. Mickens: Thank you Kaipo, for the record Glenn Mickens. I do have a testimony on this bill and I'd like to read it for the record, you have copies of it, you can follow it. I'm open to any questions you want to ask me... I strongly recommend that Bill No. 2367 be received and a new thoroughly thought out integrated solid waste management plan put in its place.

I believe that a number of glaring flaws are in this bill and since I and members of the public have already pointed them out, there is no need to repeat them unless you want me to. But the problems are there and they badly need addressing before any bill is passed.

First and foremost, I believe that we are again putting the cart before the horse by going after our waste problem before we address and get our recyclable program up and running.

Even though our Mayor has prospectively sited our new landfill (I commend him for this), we are a long ways from actually getting this operation at that location, public hearings, known and unknown problems that will surface, an EIS that could take one or two years to finish, Hanamā'ulu residents again protesting the location, and the KVB possibly protesting a dump being placed a half mile from one of the most famous water falls on Kaua'i, Wailua Falls.

But, the point I was trying to emphasize before was to make our recycling program a reality before addressing our solid waste. The recyclables will undoubtedly take a lot of trash out of the waste stream and thus our trash pick up that Bill 2367 addresses could change.

I do commend this council and Tim for at least addressing our waste problem but again, let's get the horse and cart in the right order and not pass any bill until it corrects the entire problem. Yes the 8.25 million dollar yearly output for solid waste should be addressed but let's do it right the first time and not redo it at a much higher cost.

We continually believe that we have to reinvent the wheel when we start a new program. This is completely false. Our island is not the only municipality around the world to have a solid waste problem so why not duplicate what a successful program is doing instead of starting from scratch?

Ken Taylor lived in a municipality in Southern California, Santa Barbara that solved these same problems 20 or 30 years ago. Ken was part of finding solutions so why doesn't this Council or Administration consult with Ken and pick up on what and how they did it rather than going after a pilot program that may not work or be needed?

We are also privileged to have one of the best solid waste people in Hawai'i living on Kaua'i, John Harder. He had a proven track record in the problems we face, he cleaned up Saipan and helped solve solid waste problems on Maui. Why haven't we gotten this very learned person on board to help us? I have heard John testify before this Council giving his opinion for nothing. Not for the hundreds of thousands of dollars we have spent on consultants over the years.

As Derek has said, a lot of people on Kaua'i are hurting badly right now and a new tax on top of what they are already paying would only hurt more. Yes, as Derek has said, this problem needs solving but before we move forward let's see that we are moving in the right direction.

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

Mr. Mickens: Perfect.

Chair Asing: Councilmembers any questions? Thank you, Glenn.

Mr. Mickens: Thank you, Kaipo.

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

Chair Asing: Is there anyone else? If not, I'd like to call the meeting back to order, we have a motion to approve and a seconded. Any further discussion? If not, roll call please.

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Next item please... We're going to take a caption break now and we'll return after the caption break.

There being no objections, the Council recessed at 10:36 a.m.

The Council reconvened at 10:58 a.m., and proceeded as follows:

Chair Asing: The meeting is now called back to order, with that Mr. Clerk can we have the next item please?

Mr. Nakamura: Council Chair, we just have two (2) items remaining, one (1) is a communication for receipt on page two (2) of the Council's agenda. This would be communication C 2010-243.

C 2010-243 Communication (09/08/2010) from the Mayor, transmitting for Council's consideration a proposed resolution establishing a Complete Streets policy for the County.

Chair Asing: Can I have a motion to receive?

Mr. Furfaro: Move to receive.

Mr. Bynum: Second.

Chair Asing: Any discussion? All those in favor... ah you want talk on the Reso?

Mr. Mickens: Yes.

Chair Asing: Yes, okay. So we'll hang on. All those in favor say "aye".

Councilmembers: Aye.

Chair Asing: Motion carried.

Mr. Furfaro moved to receive C 2010-243 for the record, seconded by Mr. Bynum, and unanimously carried.

Chair Asing: Next item please.

Mr. Nakamura: Mr. Chair, we're now on page four (4) of the Council's agenda on Resolution No. 2010-48.

RESOLUTIONS:

Resolution No. 2010-48, A RESOLUTION ESTABLISHING A COMPLETE STREETS POLICY FOR THE COUNTY OF KAUAI

Chair Asing: With that I would like to have a motion to approve first.

Mr. Furfaro moved to approve Resolution No. 2010-48, seconded by Mr. Bynum.

Chair Asing: Thank you. Hold it there now, Glenn please... the rules are suspended.

There being no objections, the rules were suspended.

Chair Asing: Glenn, I don't know if you want to talk after or before the present... there is going to be a short presentation by the Planning Department explaining the Reso?

Mr. Mickens: Um.

Chair Asing: Whichever pleases you.

Mr. Mickens: Okay, I'll go ahead and do mine now, with your permission.

Chair Asing: Sure.

Mr. Mickens: Thank you. For the record Glenn Mickens. I do have a copy of the Reso here and... on face value you know it looks like apple pie and motherhood you know it looks like a great situation but if you read along with me on my testimony, I have some questions... Here on Kaua'i in this tough economical climate we are in, happen to be in right now, I'm just saying... is it practical. I try to look at stuff in a very practical way when I look at it, not just well it feels good, it can be done, the people love it, let's go ahead and vote for it. We don't even have the funds to properly repave our 300 miles of roads or even our State Highways, not pave our cane haul roads into alternate means of transportation from point A to point B to alleviate our traffic problem.

I believe that Ray McCormic, our State Department of Transportation director on Kaua'i said that it would cost around three hundred million dollars to make Kūhiō Highway four (4) lanes from Hanamā'ulu to the river, so if a high priority project like this is not possible then why are we wasting our time, energy and money thinking about the Resolution?

You have heard me say this many times and I will repeat it. The vehicle we all use is here to stay and will remain our major means of transportation. No bike, or bus or rapid transit will ever take its place and if you will live in the real world you will agree. Many new inventions are on the horizon to propel our vehicles but they will remain the major source of our movement.

That 100 million dollar bike path from Nāwiliwili to Anahola will never reach completion due to logistics, priorities and mostly due to funding and yet we have spent millions of dollars pushing it, why?

On page three (3) item C of this Resolution, it states under Exemptions from Complete Streets, where the cost would be excessively disproportionate to the need or probable use of the particular highway, road, street, way or lane.

The question is where on Kaua'i would cost not be a prohibitive factor for any need when needs are prioritized?

Please use your valuable time making Kaua'i truly The Garden Island, properly pave our roads, cut and manicure our easements, clean our beaches, support Dr. Downs in making our waters safe by getting more lifeguards and water safety equipment, clean up our oceans and make our parks and recreation areas, all of them, places that our locals and visitors can be proud of.

So these are my comments and thoughts of this Resolution, again this Resolution is you know hey... you know it sounds good, sounds great but again if you're pragmatic in these issues, is the money there? And if the money isn't going to be there, I mean I asked Ray about our highways.

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

Mr. Mickens: The money isn't there, the money isn't there... why go ahead and pursuing your efforts, time and energy in trying to pursue these. Thank you Kaipo.

Chair Asing: Is there anyone else?

Mr. Nakamura: Council Chair, we have one (1) registered speaker, we do have Jenny Yukimura registered.

Chair Asing: Yes.

JENNY YUKIMURA: Good morning Council Chair and members of the Council. My name is Jenny Yukimura and I'm a volunteer advocate for AARP Hawai'i. AARP is a membership organization of people 50 and older with almost 10,000 members on Kaua'i, making up 45% of all 50 plus adults on the island.

We support Resolution No. 2010-48 as a good first step in establishing a Complete Streets Policy for the County of Kaua'i and positioning the county of Kaua'i as a leader among Hawai'i's counties. However, AARP believes that Kaua'i needs more than a Resolution and should lead the rest of the counties by creating a county Complete Street Ordinance that not only supports the new state-wide complete Streets Law Act 54, but makes it stronger.

AARP supports Complete Streets Policies because they make it safer and more convenient for walking and bicycling, accommodate people with disabilities, are fiscally responsible and promote physical activity.

All of these elements can contribute to an individual's ability to age at home in his or her community and maintain important social connections that benefit both the individual and the community. With Hawai'i's 65 plus population set to nearly double in the next 19 years, passing this resolution would be a pro-active measure on the part of the county.

This resolution is aligned with Act 54, a state law passed in 2009 which establishes a complete streets policy for the State of Hawai'i and applies to all new construction, reconstruction and maintenance of highways, roads, streets, ways and lanes. Both Act 54 and Resolution No. 2010-48 make completing the street the default action of the county transportation agency, but have five exemption criteria that allow the counties to opt out of applying the Complete Streets Policy to a given project, thus ensuring flexibility for state and county agencies.

AARP believes that Kaua'i could improve on the state law by deleting exemption number 5, which misses the point of having complete streets and creates confusion about what is meant by complete streets since protecting the safety of all users is the purpose of having a complete streets policy by requiring the Director of Public Works to sign off on projects being exempted from the application of Complete Streets and to indicate on a document for public view which exemption has been applied.

Kaua'i, as one of the least developed islands in the state, has the opportunity to avoid the problems that have been created on the other islands by ignoring non-driving forms of transportation. Adopting a complete streets policy now would ensure that as Kaua'i grows, it grows in a way that best supports all residents of the island.

We urge you to pass this resolution with our proposed amendments. We also request that the County pursue passing an Ordinance to incorporate the Complete Streets Policy as part of its transportation planning policy. Thank you for allowing me to testify on behalf of AARP Hawai'i.

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

Mr. Furfaro: Yes. Mrs. Yukimura, I want to thank you for your testimony. I also want to thank you for the email that you sent to me regarding AARP's position and I think in your testimony you did point out and I want to reconfirm that you know this is a Complete Streets Resolution and earlier today the Resolution sets it down as a policy for us to follow these guideline and the timing is exceptional since earlier today we decided that we're going to move forward on the 2010-2011 General Plan. The fact of the matter, we make a statement with this Resolution, we are asking through the General Plan process to consider all transportation forms the ability to basically have that consideration placed in the minds of those Commissioners to enhance town centers and so forth, so I just wanted to thank you very much for AARP's testimony and yours today.

Ms. Yukimura: We have a wonderful State Office and they're awake to all kinds of things, so I thank them.

Mr. Furfaro: Okay. Thank you Mr. Chairman.

Chair Asing: Thank you. Any other questions Councilmembers? Comments? If not, thank you very much. With that, is there anyone else who wants to speak on this item? Mr. Taylor.

KEN TAYLOR: Chair, members of the Council, my name is Ken Taylor. I certainly agree with all of the comments that previous speaker made. I do strongly believe that moving forward with this Resolution and hopefully soon a ordinance that it not only benefits the people in the community but it in many ways, it makes the island more visitor friendly which is an important economic consideration. It also plays to the health and wellbeing of everybody here on the

island. I think in the long run the money saved with good health certainly makes it very important to move forward in this process. As Jay indicated that we're moving forward with the new General Plan but I see that could possibly be off three (3) to five (5) years and I would hope the county will see fit to move forward with a Resolution much sooner than that and incorporate it into the new General Plan. But I think it's important, this is a very important issue and I think it's imperative to move the process forward as rapidly as possible, thank you.

Chair Asing:  
to speak on this item?

Thank you. Is there anyone else who wants

TED BLAKE: Good morning Chair, members of the Council, my name is Ted Blake. I am a member of the Task Force for Built Environments Complete Streets and Get Fit Kaua'i and I'd like to present this testimony. Fifty (50) years ago, the roads we travel on today were pedestrian and bicycle friendly. The difference now is we are dependent on automobiles even for short jumps. There more vehicles on the road that travel at higher speeds. Drivers are preoccupied and pay little heed to pedestrians and bikers. When safe routes are provided, these routes are heavily used by pedestrians and bikers. We see evidence of this in Kōloa today. Residents use the sidewalk on Alakalani Kamakahina for exercise, walking their children, friends or pets. Walkers and bikers use this route throughout the day, every day. The prevailing comment all users agree on is that a safe route for them, it's a safe route for them for vehicle traffic. Kōloa School has seen a marked increase in children walking and bicycling to school since enhanced safety measures were implemented through the fifteen (15) mile school zone. Bicycling has increased four hundred percent (400%) as of today and the traffic (inaudible) says that, children walking to school has increased from six (6) to thirty (30) which just started three (3) weeks ago. Speed enhancements implemented includes a radar speed display alerting the oncoming drivers to their speed, set up at the schools entrance, police present at crosswalks on various mornings and a crossing guard. Reiterating what I said earlier, drivers are so preoccupied and pay little heed to pedestrians and bikers, these statistics tell of drivers inattention. Since the start of the school year on August 2, over fifty (50) speeding tickets have been issued in the school zone in Kōloa. From last Wednesday the eighth (8<sup>th</sup>) to Monday the thirteenth (13<sup>th</sup>), eleven (11) speeding tickets were issued. The slowest car that was speeding was going thirty (35) miles an hour, the fastest car that was speeding was going at fifty-eight (58) miles an hour, all this in a fifteen (15) mile school zone while children are walking to school. I support the County of Kaua'i adoption of the proposed Resolution to incorporate the complete streets principles into the planning and design of new roadway and development projects. Its benefits far outweighs any perceived negatives. It provides a safe environment for all residents, promotes health, and it's good for business and economy. It's arguably the cheapest mode of incorporating all that makes Kaua'i a wonderfully, beautiful place to call home. To utilize complete streets principles planning and design, we would not have a situation of that in the Kōloa School zone. (inaudible) would be provided, we would see more of the citizenry biking and walking. This would contribute to reducing traffic congestion. Let us be proactive, support pedestrian safety, provide inexpensive option for better health, give businesses better boost with walk and biking traffic, take full advantage of the beauty of our island. I urge you to support and unanimously pass this Resolution. Thank you.

Chair Asing: Thank you. With that is there anyone else who wants to speak on this item? If not, what I'd like to do is call the Planning Director. Good morning Ian.

IAN COSTA, PLANNING DIRECTOR: Aloha Kakahiaka Councilmembers, Planning Director Ian Costa. We ask for the Council's support on

this Resolution and first of all I would like to extend big mahalo to Bev Brody who could not be here today and Thomas Noyse of Get-Fit Kaua'i and well as many government and private sector members who served on Built Environment Task Force who's instrumental in helping us put together this Resolution. Also I would like to thank many other public and private organizations that have sent in letters of support or even provided input into this Resolution. We've prepared a brief presentation and I would like to introduce Marie Williams of our long range planning section who will provide that presentation for you. The presentation provides some summary of the Resolution as well as the benefits of implementing a Complete Streets policy and that would be followed by Kaaina Hull who will, one of our Planner who will also give some background on the Resolution itself. This is an important step in the county's and the Planning Department's ongoing effort to incorporate smart growth principles into Kaua'i's planning framework and policies. Thank you. Again Marie Williams.

MARIE WILLIAMS, PLANNER: Good morning, Marie Williams from the Planning Department. I'll be doing a brief presentation about the Complete Streets Resolution. Let's begin with what are "complete streets." I think we're all familiar with what it means, if you notice I don't have a picture of a complete street here because complete streets can look like many different roadways depending on the land use context. And instead it helps to consider Complete Streets as a set of design principles that provide equal consideration of multiple transportation modes in the planning and the construction of our roadway projects. Not only vehicles but also considering pedestrian, bicycle, movement and transient as well. And what it does is it enhances transportation choices for the community and in some cases it is necessary for certain groups to have access to our public right-of-ways, for example, the youth who can't drive, or the elderly or disabled people. There are environmental health and public safety benefits that result of having a community with Complete Streets.

Kaua'i definitely has a need for more complete streets. Vehicle miles traveled which are measured on a yearly basis, they have skyrocketed, VMT increased by almost a 150 million miles over the past twenty (20) years but at the same time our roadway network only increased about less than twenty (20) miles. As a result we are becoming increasingly reliant on single occupancy vehicle travel and a recent National survey found that on Kaua'i in 2008 automobile use accounted for almost ninety-five percent (95%) of trips while transit, walking, and cycling accounted for less than three percent (3%), and this is on a island that has pretty good weather, our towns are small and many of our shopping or school trips are actually quite close to our home. Moreover you should be aware that the State actually passed a Complete Streets law last year, it is Act 54 of State bill 718 and it reads that the Department of Transportation and the counties shall adopt a compete streets policy that seeks to reasonably accommodate convenient access and mobility for all users of a public highways including pedestrians, bicyclists, transit users, motorist and persons of all ages and abilities. Also our General Plan which guides the development of our county supports the concepts behind this Resolution as well. The vision for 2020 reads, in 2010 the County has completed major actions to revitalize and improve central Līhu'e and Kaua'i historic small towns and communities. Actions include upgraded sewer and water facilities, increased public parking, and pedestrian-friendly improvements to sidewalks and streets. Moreover some specific policies also support complete streets regarding our town centers; it reads, to enhance Town Centers, the Council should provide sidewalks or unpaved pedestrians pathways along main roads. Regarding public facilities and services it asks us to consider transportation alternatives to increasing the size and capacity orfroadways, such as the increased utilization of public transit which complete streets supports. Also to support funding to develop Kaua'i bikeway system to provide for alternative means of transportation, recreation and visitor activities.

Also our most recent long range plan, the Līhu'e Town Urban Design Plan which was passed in March of this year, really was a complete streets plan and it utilized many principles of complete streets and planning for pedestrians and cyclists to create a multi-modal network within our town cores to develop a plan to revitalize and improve Līhu'e. So many of our planning efforts are already headed in this direction.

I want to acknowledge Get-Fit Kaua'i, they helped craft the Resolution before you, especially the Built Environment Task Force to Get-Fit Kaua'i and once again let me acknowledge Bev Brody who is the head of Get-Fit Kaua'i. And essentially, to provide you with some background, Get-Fit Kaua'i is our nutrition and physical activity coalition. Every county has one and it's funded by the State Department of Health's Healthy Hawai'i Initiative and they're guided by the State's very first physical activity and nutrition plan which I believe was adopted in 2007. And the Built Environment Task Force and the safe route to school task forces says they focus on improving community design and planning for health outcomes.

Okay, so the Resolution before you really is the starting point for developing a complete streets policy that we can implement well and it's going to be a complex process because as you can imagine, transportation planning is complex and it does set the direction for future planning efforts. We both have to follow up with more actions and the timing for this Resolution really is great because we can utilize resources provided by the State complete streets task force that is facilitated by the Department of Transportation; they will be releasing their report next month and Get-Fit Kaua'i who actually has some budget and some resources that can help the county develop a plan to really change some of our codes to implement complete streets, and moreover we can immediately capitalize on low hanging fruit such as ongoing planning projects like the General Plan and we have some development plans in the works as well.

The Resolution also does contain some exemptions and it's important that the people understand that this Resolution doesn't necessarily mean that you know we will be forced now to go out and retrofit every single road on Kaua'i with a sidewalk, that's not what a complete streets policy does. The exemptions are pretty common sense and are pretty standard among other complete streets resolutions and these ones are actually based on the State bill. The first is during ordinary maintenance activities such as mowing, cleaning, sweeping and surface treatments and where the use of a particular highway for pedestrian or bicycle use might be prohibited by law, and then of course for cost would be disproportionate to the need or probable use of the road for other modes, and then further exist a sparseness of population or similar factors indicating an absence of a future need. And also where the safety of say, pedestrians or bicycles would be added risk, for example on a freeway that's moving, where the cars would be moving very fast obviously you wouldn't want to encourage pedestrian activity there.

Here regarding policy implementation is a chart of how implementation could possibly occur. I focus here on the Planning Department and Public Works mainly because this is where we can address changes to our development standards and roadway standards. The first tab would be to review the Statewide Complete Streets Taskforce report which would provide us for some technical assistance about how to implement this here in Kaua'i and then this would have to be followed up with us identifying changes to our zoning or subdivision ordinance and including Complete Streets principles in our upcoming long range plan updates as well. And then Public Works could identify the need for changes to their roadway standards which you know the other counties will be doing and the Department of Transportation as well, followed up by actually adopting new roadway standards.

To summarize again the anticipated next steps would be to pass this Resolution and with the State Department of Transportation, they will be submitting the complete streets taskforce report to the State Leg really soon. And then the Planning Department and Public Works, we would continue working with Get-Fit Kaua'i and the State Complete Streets Taskforce which (inaudible) and also Get-Fit Kaua'i, they will provide some funding to help bring a consultant to Kaua'i to... so we can look at different ways to implement complete streets properly here. And moreover, the Resolution also asks for Get-Fit Kaua'i's Built Environment Taskforce to present a progress report on how we've gone about working to implement this in about a year and a half after the Resolution has passed, so there will be definite follow up. In summary, this Resolution is an important first step to implementing Complete Streets standards in the county, it is consistent with the General Plan policy, and overall vision policy is actually mandated by law. And that's it, thank you.

KAAINA HULL, PLANNER: I'll just speak briefly; Marie pretty much summed it all up...

Chair Asing: Kaaina, for the record...

Mr. Hull: Oh, I'm sorry, for the record Kaaina Hull on behalf of the Planning Department. One of the primary concerns that has arisen at the Committee and today at the public hearing is that, not so much of the policy that the Resolution itself sets but the question of why a Resolution or ordinance and we're in complete agreement that essentially an ordinance is going to be needed. But the Resolution, firstly it sets the official policy as mandated by Hawai'i Revised Statutes but secondly in drafting an ordinance, because actually there's going to be several ordinance, amendments that are going to be required to institute a complete streets policy, just from the planning perspective as Marie touched on. You're looking at the General Plan, the development plans, subdivision ordinance, the Comprehensive Zoning Ordinance and looking at the respective articles within each of those chapters, reviewing them, tweaking them to a certain degree and in some cases perhaps a major overhaul is necessary. On the Public Works side, you're looking at a multitude of other chapters, twelve (12) to fifteen (15), nineteen (19), twenty (20) and twenty-two (22), so it's going to be a fairly comprehensive and exhausting process and the Resolution essentially operates as a launching platform from which each county agency in collaboration with the State Department of Transportation, other agencies and private organizations such as Get-Fit Kaua'i to make those changes happen, or I should say propose amendments to each respective chapter. So essentially the Resolution is going to operate as a launching platform from which we can keep on going back to and make a specific changes to each chapter and that's essentially why we're proposing a Resolution or recommending the Resolution be passed at this time. And we'll be back with other amendments to the Kaua'i County Code.

Chair Asing: Thank you. Any questions? If not, thank you very much. 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 follow:

Chair Asing: I don't believe we have a motion...

Mr. Nakamura: We do have a motion and a second Mr. Chair.

Chair Asing: And a second?

Mr. Nakamura: Yes.

Chair Asing: Okay, Councilmember Kaneshiro, I believe you have an amendment?

Mr. Kaneshiro: Thank you Mr. Chair. Basically I do have a floor amendment and one is a typo error actually where it says during ordinary maintenance activities designed to keep roads in serviceable conditions, such as moving... should have been mowing, so I making that correction and I'm adding a section to the exemption also where I saw several testimonies or written testimonies and their concern was with if there are significant impacts to natural, topographical, cultural or historical resources that cannot be reasonably mitigated, so I would like the support to being able to have that amendment also inserted under section (f).

Chair Asing: Thank you, can I have a second to that amendment?

Mr. Chang: Second.

Mr. Kaneshiro moved to amend Resolution No. 2010-48 as shown in the Floor Amendment attached hereto as Attachment 1, seconded by Mr. Chang.

Chair Asing: Thank you. Any discussion? Councilmember Bynum.

Mr. Bynum: Just my understanding that the Administration reviewed this amendment, they have no objections? Is that correct?

Mr. Kaneshiro: Yes that's correct. Previous to me drafting the amendment, I also wanted to make sure that it was mowing and not moving, so they said yes that was a typo error and I also pointed out about section (f) about impacts to natural, topographical, cultural or historical resources and the Administration also concurred to that.

Mr. Bynum: Thank you.

Chair Asing: Any further discussion? If not, there is a motion to amend, all those in favor say "aye"

Councilmembers: Aye.

The motion to amend was then put, and unanimously carried.

Chair Asing: We're back to the main motion as amended, any further discussion? If not, roll call please... I'm sorry, go ahead Councilmember Bynum.

Mr. Bynum: As I mentioned earlier there were several things where the Administration on today's agenda that just happens they all came down where the Administration is taking initiative, I appreciate and this is one of them. This is Complete Streets is an idea whose time has come, you know as (inaudible) out by our testimony we receive testimony despite from numerous individuals the Kaua'i Economic Development Board, the Transportation and Housing Agency Agency to the County, AARP that we heard Mrs. Yukimura

present today, and also the Police Department, Grove Farm, the Contractor's Association of Kaua'i, so it's pretty widespread support and I also wanted to note and thank Lieutenant Mike Contrades who submitted testimony about his experience and his concerns about safety and I think that was as an individual. You know up an increasing amount of people do not use cars for... they use public transit, they walk... it's up to thirty percent (30%) and we're in the middle of the Kapa'a-Wailua development plan for instance right now and in those public meetings a lot of energy from the community about these kinds of improvements that make it safer for pedestrians to walk, so thanks for the Administration's initiative on this and the good presentation that outlines the next steps. Thank you very much.

Chair Asing: Thank you, any further discussion?  
 Councilmember Kawahara.

Ms. Kawahara: I just want to say that I am very happy to be able to support this Resolution. I think we all know that this is something that's good for our community in many ways including health, so I'm very happy to be able to support this and will be really happy to vote on it.

Chair Asing: Any further discussion? If not, roll call please.

The motion for adoption of Resolution No. 2010-48 was then put, and carried by the following vote:

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

Mr. Nakamura: Seven (7) ayes Mr. Chair.

Chair Asing: Thank you. With that, can I have the County Attorney please?

Mr. Furfaro: Thank you Planning Department for a job well done.

There being no objections, the rules were suspended.

ALFRED B. CASTILLO, COUNTY ATTORNEY: Good morning Council Chair, Councilmembers.

Chair Asing: Good morning.

Mr. Castillo: Al Castillo, County Attorney. We have request for three (3) Executive Session matters.

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 are Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-465 Pursuant to Haw. Rev. Stat. §§92-4 and 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 the Council a briefing and update in Debra Santiago, as next friend for Sienna Santiago, a minor v. County of Kaua'i, et al., Civ. No. 08-1-0210, Arb. Case No. 08-1-0210A (Fifth Circuit Court) and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-466 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and to request authority to pay Claim for Surplus Funds Resulting From the Non-Judicial Foreclosure Sale of Real Property submitted by Glenn Yaka and dated May 11, 2010 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-467 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and to request authority for a possible settlement proposal in the case of County of Kaua'i vs. HRT Realty, LLC, Civil No. 09-1-0192 (Circuit Court of the Fifth Circuit) 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.

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

Mr. Furfaro moved to convene in Executive Session at 11:49 a.m. as recommended by the County Attorney, seconded by Ms. Kawahara, and unanimously carried.

There being no objections, the meeting was in recess at 11:49 a.m.

#### ADJOURNMENT.

The meeting was called back to order at 2:10 p.m., and there being no further business, the meeting was adjourned.

Respectfully submitted,



PETER A. NAKAMURA  
County Clerk