

## COUNCIL MEETING

OCTOBER 5, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, October 5, 2022, at 8:36 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.  
Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Luke A. Evslin (*present at 11:47 a.m.*)  
Honorable KipuKai Kuali'i  
Honorable Arryl Kaneshiro

### APPROVAL OF AGENDA.

Councilmember Kuali'i moved for approval of the agenda, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

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

September 21, 2022 Council Meeting  
September 21, 2022 Public Hearings re: Bill No. 2880, Bill No. 2881, Bill No. 2882, Bill No. 2883, Bill No. 2884, Bill No. 2885, and Bill No. 2886

Councilmember Kuali'i moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We received no written testimony on this item. Is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

#### INTERVIEW:

##### POLICE COMMISSION:

- Mary Kay Hertog – Term ending 12/31/2023

Council Chair Kaneshiro: With that, I will open it up to Ellen for an introduction.

ELLEN CHING, Boards & Commissions Administrator (*via remote technology*): Good morning, Ellen Ching, Boards & Commissions Administration. Today, I am pleased to introduce Mary Kay Hertog. Mary Kay was born into a military family and chose the military as her career. She attended Miami University in Oxford, Ohio and graduated with a Bachelor's Degree in Criminology and Sociology. Upon her graduation, she was commissioned as a Second Lieutenant in the Air Force on Active Duty with the Security Forces Military Police. While working, she earned her Master's Degree in Industrial Psychology from Webster University and was competitively selected to attend in residence Air Command and Staff College and Air War College in Alabama. At one point in her career, she was stationed at Hickam Air Force Base as a Chief of the Law Enforcement in the Anti-Terrorism Division and Chief of the Plans and Resources Division Headquarters Pacific Air Force. As a career Security Forces Officer, she worked at Unit, Major Command, and Air Staff level in various positions to include commanding several large security forces units, a technical training group, and one of the largest training wings in the U.S. Air Force at Lackland Air Force Base, Texas. She was the Director of Security Forces Headquarters U.S. Air Force in Washington D.C., fondly known as the "Top Cop." Promoted out of that assignment, she was selected as the commander of the second Air Force, Keesler Air Force Base Mississippi. Her final assignment took her back to the Pentagon as the Director of the Sexual Assault Prevention and Response Office for the Department of Defense. Mary Kay retired in 2012, having achieved the rank of Major General. Mary Kay was born in Louisiana; however, being raised in a military family and her career, she has traveled to or lived in just about every state in the nation, except for seven (7): Connecticut, Idaho, Maine, New Hampshire, Oregon, Rhode Island, and Vermont. She also lived in Germany and Turkey. She still has a "travel bug" and would love to travel to those seven (7) states, as well as to Europe and East Asia again. In 2012, Mary Kay and her husband made Kaua'i their home. Since her retirement, she has continued her life of service as the Commander of the Veterans Council, Kaua'i's representative to the Governor's Advisory Board on Veterans Services, a tutor for Hawai'i Literacy, and as a docent at the Grove Farm Homestead Museum. She is an avid reader, especially of

Hawaiian history and classics. Her favorite book is “To Kill A Mockingbird” and she is a chocolate lover. Mary Kay has previously served on the Police Commission and was an active member that worked on numerous tasks including redrafting the Commission rules and drafting an amendment to the County Charter to increase the job qualifications and experience requirements for the Chief of Police position. With all of her technical knowledge and experience, I am so grateful she is willing to volunteer again.

Council Chair Kaneshiro: Mary Kay, do you have anything to add to that introduction?

MARY KAY HERTOG (*via remote technology*): Good morning. Thank you for the consideration. I am volunteering again for the same reason that you are on the County Council, and that is just to serve the people of Kaua‘i and make a positive difference in our community. I also know that three (3) of us Commissioners with law enforcement experience rotated off the Commission within six (6) months of each other, and I really feel like we need to have someone with law enforcement experience back on the Commission.

Council Chair Kaneshiro: Are there any questions? Council Vice Chair Chock.

Councilmember Chock: Thank you so much for being willing to come back and serve. With your experience and background, I think you will be able to serve us well again. I appreciate that. I have one question you might have heard or seen that there has been a recent State of Hawai‘i Organization of Police Officers (SHOPO) survey that was conducted. What I am looking to hear from you is, how willing you will be able to or want to collaborate with SHOPO and of course the department, in moving forward with some actions to make great moves and advancements in building the culture that we are looking for.

Ms. Hertog: What I know about the SHOPO survey is probably what you know so far and what I have read in the paper and on the news and in different media sources. I always look at these surveys, not only SHOPO’s but also the one that the Commission did prior to me leaving the Commission, as very valuable tools. To me, they have set a roadmap for leadership to make improvements and you may think you know what is going on in an organization, but there may be other perceptions that you need to consider. I know that when I was a Chief of Police three (3) separate times, I used survey instruments, what we used to call “climate assessments” and I found them to be very valuable in giving me a way of direction ahead.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Good morning. I am very moved by having such a powerful woman in the house with all of your qualifications, especially the one that I want to ask you about is your traveling experience all over the world living in

Germany, Turkey, and all the different states; you have been exposed to many different cultures, and I want to know, how important are different cultures from different countries and states in dealing with people? How important is that to you?

Ms. Hertog: I think it is extremely important. One of the things that I have learned in the military was, when you are a guest in someone else's country, you need to remember that sometimes your way is not the only way of doing business. I think people are more alike than they are different, and if you get to know their cultures and appreciate it, you will have a better understanding of them and why they do things the way they do, so I found that to be extremely important, and I always try to make an effort to immerse myself in the culture in whatever country that I have lived in or visited.

Councilmember DeCosta: Thank you, we are so fortunate to have you.

Ms. Hertog: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also am so happy to have you coming back as someone who regularly attends these meetings and had multiple layers of getting to know your competence. I am very grateful that we have you in our community and certainly on our Police Commission to help. I am wondering if you could speak a little bit of how we can really help to hold on to our team, not just our frontline that we see with the SHOPO survey, but also our management layer in the Police Department when we see these national challenges, both to workforce in any way, but police have come under heavy attack in the public perception, I do not feel like our police are in alignment that should have that kind of challenge, but I really want to help us to hold on to both top leadership, as well as bringing in our new team. What are your thoughts on that?

Ms. Hertog: I think the Kaua'i Police Department (KPD) faces the same challenges that most of the police departments face in the nation right now. Recruiting is one, although, the effort to recruit in the last several years has really paid off. When I left the Commission seven (7) or eight (8) months ago, we were able to man the districts one hundred percent (100%). But you brought up retaining, retention is the other half that we have to pay attention to, and not just leadership, but our patrol officers—that is key, because if you cannot retain folks, you cannot give them the protected time off that they need and the training—training is critical. You are only as good as how your officers are trained—that really is the measure of a department. So in order to retain folks, you would have to not only retain them, you have to retain their families, so you have to pay attention their family, but you have to take a look at their time off and how we protect that; how many hours of training that we can work for them—we have to listen to them—communication is key. If there are issues to be brought up, the police officers have to feel free to be able to come forward and talk to their leadership both in SHOPO, as well the department leadership—you have to have that type of interaction, it goes up and down the chain of command, that is why communication is probably one of the most important things at a police department, leadership must pay attention, too. It is all those warm and fuzzy people things that

you really have to do, you cannot just expect people to get out there and do their job and that is it, you have to have feedback from your officers to say, this is what is working, and this is what is not working. You have to make your employees feel they are valued and that their voice counts.

Councilmember Cowden: Thank you so much for that. Again, I want to say, I believe Kaua'i is deeply blessed to have you both as a Commander of our Veterans Center and part of the Police Commission. Your career is extraordinary and just knowing you as an individual, you live up to and exceed the expectations of what your experience demonstrates, so you have my maximum respect, and I thank you.

Ms. Hertog: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? Councilmember Carvalho.

Councilmember Carvalho: Mary Kay, I do not have a specific question. I know you have been involved in so much and I want to *mahalo* you from day one. You bring a wealth of experience and knowledge to the table at all levels, whether it be retention, policies and procedures, or reaching out into our community. I know at the Police Commission, that you will bring a wealth of understanding and importance of how to connect our community. I really appreciate you being there and know that all of your *mana'o* and knowledge is so important. You have a wealth of understanding, so thank you for stepping to the plate once again, and I look forward to talking story with you, but knowing that you have the total understanding of what needs to happen and your commitment to doing what is right. *Mahalo* to you. *Aloha*.

Ms. Hertog: Thank you.

Council Chair Kaneshiro: Is there any further discussion? Councilmember DeCosta.

Councilmember DeCosta: I am actually looking forward to having a leader like yourself, with all of the experience you had in many different states, the two (2) countries, and being a female with the leadership qualities that you have, I believe you can do a lot for our Police Department. I am going to humbly ask you, when you come in as a commissioner, to look hard at the points that Vice Chair Chock and Councilmember Cowden brought up, that it needs to be addressed. Our Police Department needs those types of support, please help us. Thank you.

Ms. Hertog: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just want to add to the voices of gratitude and say *mahalo nui loa* for your excellent and continued service to our people. *Mahalo*.

Ms. Hertog: Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, I just want to say, I have the utmost respect and trust for you. You were on the Commission when we hired the Chief of Police, we went through a long process of trying to find a new police chief, and now we have one. I am happy to have you back on the Commission and support you to be back on the Commission, because I know with all the information floating around now, I know you are going to take that and help move us in a positive direction, so you have my full support.

Ms. Hertog: I appreciate that. Thank you.

Council Chair Kaneshiro: Is there any further discussion? If not, thank you Mary Kay, and thank you for your willingness to volunteer again.

Ms. Hertog: Thank you for all that you do, and I will see you at our veterans parade and the veterans ceremony next month.

Council Chair Kaneshiro: Yes. Next up, Consent Calendar.

#### CONSENT CALENDAR:

C 2022-221 Communication (09/01/2022) from the Mayor, transmitting for Council consideration and confirmation, the appointment of Julie Black Caspillo to the Board of Review – Term ending 12/31/2025.

C 2022-222 Communication (09/14/2022) from Councilmember DeCosta, transmitting for Council consideration, a Resolution Recognizing The Significant Role That Game Animals And Wild Cattle Play As A Food Source For The Community.

C 2022-223 Communication (09/22/2022) from the Managing Director, transmitting for Council consideration, a Resolution Inviting The City Of Mimasaka, Okayama Prefecture, Japan, To Enter Into A Sister-City Relationship With The County Of Kauaʻi, State Of Hawaiʻi, United States Of America.

Councilmember Chock moved to receive C 2022-221, C 2022-222, and C 2022-223 for the record, seconded by Councilmember Kualii.

Council Chair Kaneshiro: We received no written testimony on these items. Is there anyone in the audience or on Zoom wishing to testify? Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any final questions or discussion from the Members?

The motion to receive C 2022-221, C 2022-222, and C 2022-223 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

COMMUNICATIONS:

C 2022-224 Communication (09/09/2022) from the Chief of Police, requesting Council approval of the indemnification provision contained in the Magnet Forensics End User License Agreement, which is used by CSLS Digital specialists to examine and analyze information contained in computers, drones, disk drives, and other forms of electronic media, used in “cold-cases” to re-examine older evidence with updated tools and methods.

Councilmember Kualii moved to approve C 2022-224, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden: I would like to thank the Police Department for all the good work they are doing and getting more effective at continuously re-examining these cold cases. Can we have a basic explanation for what this magnet forensic does?

There being no objections, the rules were suspended.

MAKANA A. RIVERA, Lieutenant (*via remote technology*): Good morning, everyone. To answer your questions on that, I will have Criminalist Christian Vlautin speak to that.

CHRISTIAN T. VLAUTIN, Criminalist II (*via remote technology*): Good morning, for the record, Christian Vlautin, Criminalist, Kaua'i Police Department, Crime Scene & Laboratory Section. The magnet forensic program is a group of different types of software that we use in forensic cases in order to analyze the contents of electronic devices, these are phones, computers, drones, disk drives, anything like that. It allows us to find different pieces of evidence that might be crucial for an investigation, and it also allows us to identify it in a way that can hold up in court, to parse it out so it can be admissible in a courtroom setting as well.

*(Councilmember DeCosta was noted as not present.)*

Councilmember Cowden: Okay. I would imagine that the normal...would that be the Fourth Amendment, the search and seizure rights all get managed correctly, right? We do not just take someone's phone and look through it.

Mr. Vlautin: Absolutely. In order for us to both collect and analyze the contents of anything electronic, it would require a search warrant or written consent of the owner or operator of those devices.

Councilmember Cowden: Can you give me a loose approximation of how often these are used? Is it one-third of the investigation? I think, currently, it is probably a lot.

Mr. Vlautin: Yes, quite a few. As technology advances, we are seeing more requests for this. When we started using the magnet platform, it would be say, I cannot pull the data, but off the top of my head, I would say maybe every tenth case we got something along those lines, whether it be a cell phone or a computer, but as we have gone forward in the years, yes, because these pieces of technology becomes readily ubiquitous, everyone has a phone. More and more often, we are finding for calls for examination of digital evidence, so where I work in the Investigative Services Bureau, which is where the detectives work, and the Vice Unit works, I get calls sometimes for one (1) or two (2) a day in busy seasons, I guess, and we have done hundreds upon hundreds of these examinations over the last few years, because whether it be a small case, a misdemeanor, or something upwards of a high felony, often times you can get valuable information from an electronic device.

Councilmember Cowden: Thank you so much.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there anyone else in the audience wishing to testify on this item. Seeing none, is there anyone on Zoom? None. I will call the meeting back to order. Is there any final discussion from the Members? Councilmember Cowden:

*(Councilmember DeCosta was noted as present.)*

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I just have to say, when I took my Citizens Police Academy training and Christian was one of our trainers, I am proud of what that division does, they really make a very big difference and I remember it used to be so many crimes of violence did not get chased down, and because of the work that Christian and his team does, it makes a big difference, so thank you. I just want to say that and acknowledge it, because it is important to see where we are doing things right, and Christian's group helps us to have accurate charges and prosecution. It makes a big difference in finishing things, so thank you so much.

Mr. Vlautin: Thank you, Councilmember Cowden. We very much appreciate your support and the support of the Police Department in pursuing forensic. We do appreciate your support. Thank you.

The motion to approve C 2022-224 was then put, and carried by a vote of 6:0:1  
*(Councilmember Euslin was excused).*

Council Chair Kaneshiro: The motion is carried. Next item.



C 2022-225 Communication (09/13/2022) from the Chief of Police, requesting Council approval of the indemnification provision in the Gebco Hawai'i Terms of Use and Sale Agreement (Indemnity/Limitation of Liability provision) for the Kaua'i Police Department's Firearms Section, to ensure that designs created for the photo identification (I.D.) license card are kept secure, limiting the potential of counterfeiting.

Councilmember Kualii moved to approve C 2022-225, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I will suspend the rules. Councilmember Cowden.

Councilmember Cowden: I would like them to allow them to say whatever they might want to share with us. I appreciate this opportunity for us to learn about the competence of our Police Department, but this might be one that you do not want to say too much, but I will let you give us the basic explanation.

There being no objections, the rules were suspended.

ANTHONY J.K. MORITA, Lieutenant (*via remote technology*): Good morning, Council Chair Kaneshiro, Councilmember Cowden, and fellow Members of the Kaua'i County Council. I am Lieutenant Anthony Morita, and I am currently overseeing the Kaua'i Police Department's Firearms Section. Following the recent supreme court of the United States ruling, which removed prior restrictions on the concealed carry weapon (CCW) permitting process, the Kaua'i Police Department is seeking to purchase an identification (I.D.) card creator to print hard copy laminated photo I.D. license cards with unique security features to be issued to all authorized concealed carry weapon/firearms holders. With this change we are currently seeing an increase in CCW applicants, and we anticipate a consistent flow of interested applicants based on a local intelligence that we have received. The ID3 Sigma Printer, which includes a lamination station to add the secure globe holographic overlay with the impresser dye, and single lamination, and barcode encoding is a model that suits the needs of KPD. It is a printer that is similar to the model currently being used by the Department of Liquor Control. These hard license cards will contain a color photo of the authorized holder and his or her unique digital signature. With your Council approval accepting the terms of use, will allow the KPD Firearms Section to access the related software associated with this printer, and to ensure the designs created for the photo I.D. license cards are indeed kept secure, thus limiting the potential of forgery, duplication, or counterfeiting. Thank you.

Council Chair Kaneshiro: Councilmember Cowden, question.

Councilmember Cowden: I have a follow-up question. We have received a number of letters of concern from one of our gun dealers that people do not have to come in and show an embossed piece for picking up or buying a gun; has any of that been addressed? Does this help? Do people have to bring this I.D. to purchase the guns or is this just for being able to have a concealed carrier? I know that there was

a lot of concern from one of our prominent gun dealers that we are not having a safe enough management strategy.

Mr. Morita: Thank you for your questions, Councilmember Cowden. Unfortunately, I can only speak on the item listed on this meeting agenda. I am not prepared to answer your question directly, so I would ask that you defer your question to Chief Raybuck who will be able to respond to your question at a later time. I did want to show something really quick just to give you an idea of why we are transitioning to hard license cards. Currently, the process that we have been using is something like this. Basically, it is a two-sided cardstock permit with the applicant's photo I.D., which they get as part of a colored passport photo. That is something that we feel is not secure and is something that can easily be counterfeited, so that is why we are going with this hard card. This is a sample that I got from the current sales of the Department of Liquor who was graciously able to show me their system and how it works. With this card itself, aside from the hologram, similar to our State of Hawai'i driver's license, it also has an embedded county seal on the top that is something that will be very hard to duplicate, so that is why we are going with something this secure. For each applicant right now, as it is written in the Hawai'i Revised Statutes, the process only costs ten dollars (\$10) for the applications. Thank you.

Councilmember Cowden: Is the Chief online or is he not here?

Mr. Morita: Unfortunately, he is not available. I believe he is attending training.

Councilmember Cowden: Alright. Thank you.

Council Chair Kaneshiro: We can send that question in writing.  
Councilmember DeCosta.

Councilmember DeCosta: Thank you for answering the question on how much the card cost—that was one (1) of my questions. The other one I had since you brought up the concealed carry applicants that are pouring in, one (1) of the criteria on that application is to have a certified gun specialist certify you in shooting; do you have that availability for our applicants to get certified here on Kaua'i? I do not know if that is a business that is already established, or are you folks going to be doing those types of training for them to get the correct applicant certified through you folks?

Mr. Morita: Unfortunately, I was not prepared to answer your question, that is not directly related to this meeting agenda, so much like Councilmember Cowden, I will have to defer your question for Chief Raybuck to respond to at a later time. I apologize. Thank you.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify on this item? None. Is there anyone on Zoom? None. Are there any further questions from the Members? Is there any final discussion from the Members?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2022-225 was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-226 Communication (09/14/2022) from the Director of Parks & Recreation, requesting Council approval to use \$200,000.00 from the Department of Parks & Recreation's internal sources of funds for an unbudgeted equipment purchase of a towable stage, to replace the aging wooden stage used for community events.

Councilmember Kualii moved to approve C 2022-226, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Carvalho.

Councilmember Carvalho: Good morning, Pat.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation (*via remote technology*):  
Good morning.

Councilmember Carvalho: I just wanted to get an overall update on this particular stage, you are saying wooden stage. Can you give a little update?

Mr. Porter: For everyone's reference, we have two (2) stages at the County; one (1) is a mobile stage and we have a wooden stage that has been in use for over a decade, so we are looking at replacing the wooden stage, so that we can still maintain two (2) stages for the public to use.

Councilmember Carvalho: It has been heavily used, I know the other one too, I know we have talked about repair and maintenance on that as well.

Mr. Porter: Yes. The wooden stage is a lot more labor intensive for our folks to set up and break down. A lot of people see the wooden stage is really nice, it is a big stage, but it is fully wood, and every time we set up the wooden stage, it needs to be bolted and screwed together, so after a while the wood gets old, gets damaged from all the screwing and bolting. Actually, since it has been built a dozen of years ago, over a decade ago, it has been overhauled over time, the rotting wood and the damaged wood has been replaced, and nowadays, there is a lot more newer technology out there that we can take advantage of for stages moving forward, so we want to replace that old wooden stage to something newer and less labor intensive.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am just clarifying that this is the stage that is not like that one that is almost like a container, right? That is a completely different stage.

Councilmember Carvalho: It is the mobile one.

Council Chair Kaneshiro: You are on mute, Pat. Pat, the dimensions for this stage, is it similar to the wooden stage? I know the wooden stage was a bigger sized stage.

Mr. Porter: The one we looked at and spec'd out is pretty much the same dimensions as the wooden stage and we were going to try and stick to that size for the new one.

Council Chair Kaneshiro: Okay, thank you.

Mr. Porter: We are looking at the stage and also a covering, some type of roof for that stage.

Council Chair Kaneshiro: While we are on that topic, can you explain the availability of the stage to the public, as far as how this benefits the public?

Mr. Porter: We will let any entity putting on a community event that is open to the public, borrow the stage. Depending on what type of activity it is, there could be a cost to it, but it is pretty minimal. It is mostly for any community event, the stage is available to the public.

Council Chair Kaneshiro: Thank you. Councilmember DeCosta.

Councilmember DeCosta: Thank you, Mr. Porter, for all you do in the Department of Parks & Recreation. I wanted to ask you about that small fee, does that come with you folks setting up the stage or would the people of the community doing their event have to set it up?

Mr. Porter: Right now, currently, how it is, we have to set it up, and that is for both stages. Since you asked that question, just for everyone's awareness, the wooden stage is very labor intensive, so just to let everyone know what it takes to set up the wooden stage is, we would need a forklift on site, then we also use our full maintenance crew, which is around ten (10) to thirteen (13) people a day, then we also need two (2) truck drivers, one (1) pulling the stage components and the other one pulling the forklift to the site. So, to set up the stage, it usually takes fifteen (15) people to set up that stage, and usually takes about four (4) hours to set that up on-site, then to break it down, it also takes that many people to break it down and haul it away. When these events happen, we are taking about fifteen (15) people off their normal duties to set up and break down this stage, so it is very labor intensive, and does cut into our normal work duties and responsibilities for our folks. So what we are looking at now with the new technology out there is to getting

something that can be pulled with a half-ton or three-quarter-ton truck and something that event organizers will be able to set up on their own. We will probably have to send one (1) county representative to oversee them, but put it on the event organizer to set it up. So, that is what we are looking at moving forward, so we do not take fifteen (15) people off of their regular line duty to do this. We are pretty packed; we get a lot of requests for our stages. The way it has been going since we opened back up from COVID-19, we have been spending a good six (6) to eight (8) workdays a month setting up and breaking down these stages. Hopefully, we can streamline that process with the newer stage, and it will be a win-win all around; the community will get a brand-new stage and it will be less labor intensive for the Department of Parks & Recreation staff.

Councilmember DeCosta: Thank you for making that feasible and economical strategy decision there, it sounds like you are saving our County a lot of money and also providing a better stage for our community to use. Thank you, Mr. Porter.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: One more follow-up, Pat. I remember the reason for the wooden stage versus the mobile stage was getting over the Hanalei Bridge, that was a big thing. Will this new stage also be able to get across there?

Mr. Porter: Yes, even better because it will be able to be pulled with a half-ton or three-quarter-ton truck.

Councilmember Carvalho: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Is there anyone in the audience wishing to testify? Is there anyone on Zoom? Is there any final discussion from the Members? Councilmember Cowden.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I just appreciate how the Department of Parks & Recreation had those stages, and I know when nonprofits that I have been involved in have gotten an easy "yes" out of the County, we just have been shocked and the transformative change that it has made in an event that we have done in the past like the seed exchanges and things like that were so simple and being able to make it really step up, and I just acknowledge that when the Department of Parks & Recreation do these things for many grassroots nonprofits, it really amplifies their capacity to be able to do a worthy job, so it is a gift to our community. Thank you to the Department of Parks & Recreation.

Council Chair Kaneshiro: Is there anyone else? I agree, it is a complete benefit to the community to have a stage like this available to the public for the events. Many of the events are at County parks, but again, looking at the numbers and the cost of what the wooden stage is compared to just buying a brand-new, more

portable, easier to transport stage is a no-brainer, and I really appreciate Pat looking into it and making the decision to move forward on this. You mentioned it to me before on how much labor and time it took to set up and break down that wooden stage, it is a big wooden stage, I cannot agree with you more on getting this more mobile stage, so thank you for bringing it to us. Is there any further discussion from the Members?

The motion to approve C 2022-226 was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro:           The motion is carried. Next item.

C 2022-227 Communication (09/14/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$200,000.00, from the State Prevention Framework – Partnership for Success (SPF-PFS) grant, to continue employment of one (1) Full-Time Equivalent (FTE) Prevention Program Specialist for Fiscal Years 2023 and 2024, purchase office supplies, and allow Life's Choices Kaua'i staff to attend training. The grant will cover expenses for the period September 29, 2023 through September 30, 2025.

Councilmember Kualii moved to approve C 2022-227, seconded by Councilmember Carvalho.

Council Chair Kaneshiro:           Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden:           I just want to thank you for having the Life's Choices continue, we know we had retirement of our long time Theresa Koki, DeCosta is her maiden name, so anyway having deeply valued her years of service and contribution, just wanting to welcome our new staff member and hear what changes might be coming our way, and what we would be expecting.

There being no objections, the rules were suspended.

REBECCA LIKE, Prosecuting Attorney (*via remote technology*):           Hi, Councilmember Cowden, I would like to take the opportunity to introduce our new Life's Choices Coordinator Michael Miranda, then I will defer to him to address your specific questions.

Councilmember Cowden:           Hi, Michael. We have been friends for a long time, and I know you have done great work with our people who have been adjudicated and you have quite a bit of background in understanding why we recover from difficult life choices. What is your vision moving forward?

MICHAEL MIRANDA, Life's Choices Coordinator (*via remote technology*):  
Good morning, Chair Kaneshiro, Vice Chair Chock, Councilmember Cowden, and the rest of the Kaua'i County Council. My name is Michael Miranda, Life's Choices Coordinator. Currently, we are working on an islandwide assessment of strengths and weaknesses in the community with the island just reopening and the

rest of the country just reopening after the pandemic. A lot of the effects of the pandemic are just emerging, but we are assessing and evaluating what challenges families and children are facing and how we can best coordinate with community agencies and the State government to address those challenges.

Councilmember Cowden: Thank you. Do you have a vision that you see or if you are going to wait until after you make the assessment, I accept that, too?

Mr. Miranda: I think my preliminary vision is a holistic and concerted effort with nonprofit agencies and government agencies to maximize our efforts and dollars and duplicate services that are already being done.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify? Is there any final discussion from the Members? Council Vice Chair Chock.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Chock: I just want to thank the Prosecuting Attorney Rebecca Like and of course, Mike Miranda, for stepping up to this position. I think with your experience and knowledge in this field you are going to do well to serve our community, so we appreciate you, support you, and look forward to working with you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Mr. Miranda, I look forward to good follow-up and work. You have been involved in many different programs and activities, and I know you have all the knowledge and understanding of what to take to the next level, and working with the team there at the Office of the Prosecuting Attorney. *Mahalo* I and look forward to talking story later. *Aloha*.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: I, too, just want to say *mahalo*, Mike, for stepping forward and *mahalo* Prosecutor for having the wisdom to hire him—a great community organizer and someone I know “Puhi boy” who loves Kaua'i. I am excited to see how he might be able to support all the nonprofits and the coming of the hopefully soon as possible, opening of the drug treatment center for our youth, I think that is very important. *Mahalo*.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to recognize our “Puhi boy”, too, thank you so much for stepping up to the plate and accepting and doing great work. How about give your staff along side of you a big “shout out”, too, because without our

competent staff like we have here at the Council, it makes the job more difficult, so thank you and your staff, Rebecca. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Michael, I have worked with you on a lot of different things. I am really happy with the compassionate and competent way that you treat people in a related sphere when you have been a probation officer, if I am remembering correctly, and I just want to echo what Councilmember Kualii said, that as our adolescent treatment facility moves along, that was under the umbrella of our Life's Choices Kaua'i, that we will continue to be a partner in that process, I think we will have that opportunity, and we certainly, as a Council, have a lot of interests in making sure we have clear success in that direction. That would be my statement to the group that I have faith that we will continue to support that.

Council Chair Kaneshiro: Okay, thank you.

The motion to approve C 2022-227 was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-228 Communication (09/15/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the fourth allotment in the amount of \$111.00 for Fiscal Year 2022 (total amount of funds including the previous approved awards is \$29,471.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

Councilmember Kualii moved to approve C 2022-228, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions on this item? Is there anyone in the audience wishing to testify? Is there anyone on Zoom wishing to testify? Is there any final discussion from the Members?

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to approve C 2022-228 was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-229 Communication (09/16/2022) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$680,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of state and local units of government to prevent, deter, respond to, and recover from



threats and incidents of terrorism, as well as “all hazards” catastrophic preparedness initiatives. This grant has a three-year performance period with no cost-share requirement.

Councilmember Kuali'i moved to approve C 2022-229, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden: Six hundred eighty thousand dollars (\$680,000) is a decent amount of money. Is this an ongoing grant that we have been using or is this a fresh grant? I know we have had that or something similar, but if it is the same, just a very brief framework of what it does and if it is new, how would we be using it a little bit more?

There being no objections the rules were suspended.

*(Councilmember Chock was noted as not present.)*

CHELSIE SAKAI, Emergency Management Senior Staff Officer *(via remote technology)*: Good morning. I am Chelsie Sakai, Emergency Management Senior Staff Officer. This is a grant that we do get every year. It has the same premise of protecting and responding to acts of terrorism and other man-made or natural disasters, but every year, it supports different programs. For this particular year, it will be supporting two (2) projects; one being a cyber security project, and another being planning and program support for training and exercise.

Councilmember Cowden: Okay, thank you. Thank you for the work that you folks do continuously.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2022-229 was then put, and carried by a vote of 6\*:0:1 *(\*Pursuant to Rule No. 5(b) of the rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Euslin was excused).*

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-230 Communication (09/16/2022) from the Acting County Engineer, requesting Council approval to accept a donation from Grove Farm of approximately 30,000 cubic yards of soil, valued from \$300,000.00 to \$625,000.00, to be used at the Kekaha Landfill for daily cover, intermediate cover, backfill, and road

construction, which will satisfy the landfill soil needs for approximately six (6) to eight (8) months.

Council Chair Kaneshiro: I would like to amend that number to forty-two thousand (42,000) cubic yards.

Councilmember Kualī'i: Yes, we had a memorandum.

Council Chair Kaneshiro: They underestimated it. It is forty-two thousand (42,000) cubic yards.

Councilmember Kualī'i moved to approve an amended estimated amount of 42,000 cubic yards; valued at \$1,050,000.00, which will satisfy landfill soil needs for approximately eight (8) to ten (10) months, with a thank-you letter to follow, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden: Troy, for the sake of the public, can you give a basic explanation of why we have this gift, how we help to contribute back, and how long this soil will help cover our landfill requirements? It says six (6) to eight (8) months, so we already have that.

There being no objections, the rules were suspended.

*(Councilmember Chock was noted as present.)*

TROY K. TANIGAWA, Acting County Engineer (*via remote technology*): Good morning, Council Chair Kaneshiro, Vice Chair Chock, and Councilmembers. Soil is an essential material for the landfill operations in Kekaha. Paraphrasing for my State Department of Health permit, it says, permittees shall face daily cover on disposed solid waste at the end of each workday or at more frequent intervals if necessary to control vectors, fires, odors, low litter, and scavenging. Daily cover shall be comprised of a minimum of six (6) inches of earthly material or an alternative daily cover. Since soil is such a valuable material for us, it is really a limited supply, we try to conserve as much as possible, soil cover earth type materials by using alternatives. We have spent a fairly significant amount of money on alternatives such as tarp materials that we use regularly each day in fact, but even with tarping materials there still is a need for soil, so we still tap into our limited supply. Now, this opportunity has a huge benefit to us because it is valuable soil that we can use to displace our limited supply at Kekaha. Now, this soil will not only be used for daily cover, but we need it for intermediate cover when we close our landfill cells, we need it for building of roads to maintain our roads so our customers can access the dumping area, and we need it to repair our side slopes at the landfill due to erosion when there are storms and inclement weather. It is a much-needed commodity that we are really appreciative that Grove Farm has been able to provide this much-needed material. Thanks to Grove Farm and Warren Haruki for the offer for permission.

*(Councilmember Carvalho was noted as not present.)*

*(Councilmember Chock was noted as not present.)*

Councilmember Cowden: In looking at it closer, this is where they are doing a new subdivision already sold to residents here, just wanting to recognize that we have a new neighborhood going in for residents, and that the County is going to be spending...we will probably see that later. We will have about six hundred thousand dollars (\$600,000) to move that soil, so if I am hearing correctly, we invest at least what would be valued at one million dollars (\$1,000,000) in less than a year's time to keep our community healthy that is surrounding the landfill that we are very conscious to make sure there are no vectors, but I would say that is any kind of error, things that would come out that is unhealthy, every single day we are taking care of the community right there, am I hearing you correctly?

Mr. Tanigawa: Yes.

Councilmember Cowden: So, this is an expensive endeavor.

Mr. Tanigawa: Yes.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to chime in on Councilmember Cowden echoing about the great donation by a large landowner. I really wish we would have more County and large landowners working together to solve our problems. I believe that we are very appreciative of Grove Farm, like you said, Troy. I am also appreciative of our County to deliver a service, because I believe Grove Farm would have to pay to have that soil removed, so it is a win-win when we look at it. I just want our community who are listening to know that these are the kinds of things that our County is doing in partnership with certain landowners, and we can accomplish a lot more if we partner more with others, so thank you. Thank you, Troy, Allison, Boyd, Mike Tresler, and your group there doing a great job in Public Works. Thank you.

Council Chair Kaneshiro: Are there any further questions? Is there anyone in the audience or on Zoom wishing to testify? Is there any final discussion from the Members? Councilmember Cowden.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I want to comment on the win-win and in gratitude to Grove Farm, too. I asked questions like why are they digging up this soil, but I was happy to hear that it is for a neighborhood, we need housing, so that is a solution, and then happy here who has done the purchasing, and it is more of our community members, so it is a win-win-win; win for people needing housing, win for

the County needing people to have housing, a win for our landfill, and a win for Grove Farm.

*(Councilmember Carvalho was noted as present.)*

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: And the last win, Councilmember Cowden, is that Grove Farm partners with real estate companies that sell to our local families, and I want the community to know that, because not many developers do that, so thank you folks for making that available for our local families who can actually afford, or I hope they can afford, this housing project.

The motion to approve an amended estimated amount of 42,000 cubic yards, values at \$1,050,000.00, which will satisfy landfill soil needs for approximately eight (8) to ten (10) months with a thank-you letter to follow was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No.5(b) of the rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative for the meeting; Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-231 Communication (09/16/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds in the amount of \$37,217.00, and indemnify the State of Hawai'i, Department of Attorney General, to be used towards funding of one (1) 0.85 Full-Time Equivalent (FTE) Victim Witness Counselor, for the period of November 1, 2022 through June 30, 2023.

Councilmember Kualii moved to approve C 2022-231, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden: Thank you, Rebecca Like, Prosecuting Attorney for all this work that you do. The victim witness counselor is very important. My understanding is that we had a recent retirement, is that correct? If so, is that position filled and if you want to say by who, I am interested?

There being no objections, the rules were suspended.

Ms. Like: Good morning, again. Hi, Councilmember Cowden. Yes, Diana Gausepohl-White did retire and we were able to promote internally. Storm Po'omaihealani is our new Victim Witness Director, she is seated right here in my office with Jamie Olivas, our Grant Coordinator. She is here also to address the need that we have for victim witness advocates. We have one (1) less advocate now that she has taken over the program, but it is wonderful to have her in charge, because she brings all the institutional knowledge, the knowledge of our

current cases, and just the knowledge of our working environment, and other staff members, and how to navigate working with deputies which is not always the easiest task. I will defer to her if you have any questions in regards to her program.

Councilmember Cowden: Thank you so much. I want to also acknowledge Diane, who did such a great job for many years, so appreciation for her, and *mahalo* for stepping up from within. If you have anything that you would like to share with us or the community at large, because victim witness counselor is really critical for people having a sense of safety to call the police and to take action. Thank you so much and happy to hear whatever you might like to share.

STORM PO'OMAIHEALANI, Victim Witness Program Director (*via remote technology*): My name is Storm Po'omaihealani. I am happy to take over Diana's position and she built an amazing program, so I am just hoping I can continue the way she ran the program.

Councilmember Cowden: *Mahalo*. It is important to acknowledge our team members that are working hard to make a difference for our community. If people have a need, do they call you directly? How do they find the victim witness counselor? How do they move through that process?

Ms. Po'omaihealani: We get referrals from the Deputies or from KPD, Young Women's Christian Association (YWCA), or self-referrals also.

Councilmember Cowden: Would that be the deputy prosecutors?

Ms. Po'omaihealani: Yes.

Councilmember Cowden: If they do a self-referral; how do they refer in? Is there a phone number or an E-mail?

Ms. Po'omaihealani: We have a phone number for the direct victim witness line.

Councilmember Cowden: Do you have that number?

Ms. Po'omaihealani: It is (808) 241-1898.

Councilmember Cowden: (808) 241-1898. So, if someone is scared and they are in the process, or their assailant is in adjudication, or there has been a charge, they could call (808) 241-1898; is that correct?

Ms. Po'omaihealani: Yes.

Councilmember Cowden: Okay, I just think it is very important for our community to know where they can go for help. Thank you. *Mahalo* to all of you.

(Councilmember Chock was noted as present.)

Council Chair Kaneshiro: Are there any further questions from the Members? Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

The motion to approve C 2022-231 was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-232 Communication (09/16/2022) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$111,314.00, to be used towards funding one (1) 0.90 Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and fringe benefits for the Career Criminal Prosecuting Unit, for the period October 1, 2022 through June 30, 2023, and to indemnify the State of Hawai'i, Department of the Attorney General.

Councilmember Kualii moved to approve C 2022-232, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members?  
Councilmember Cowden.

Councilmember Cowden: Again, Prosecuting Attorney Rebecca Like, thank you so much for running a great organization, and for getting this Federal funding to be able to help us be fully equipped without being direct on our taxpayers. We have had a Career Criminal Prosecution Unit for some time; has anyone retired or are we continuing with the same person?

There being no objections, the rules were suspended.

Ms. Like: Hi, Councilmember Cowden. Neither are really the case, actually. We have had different deputies handle the Career Criminal Prosecution Unit. Oftentimes, those cases are extremely work intensive, so we evaluate what deputy we are going to assign, somewhat based on the type of cases that they are typically handling. We are fortunate on Kaua'i to not have a lot of homicides or murder cases, but the deputy who is handling those types of cases is usually the one who will put in the Career Criminal Prosecution Unit, not due to retirement or folks leaving. It is just kind of by virtue of what the logical fit is in our office due to case assignments.

Councilmember Cowden: Okay, so that makes sense. What I am understanding then is if we really need to dedicate someone to keeping someone on a long-term incarceration that has been a repeated problem that we are basically shifting the funding on to that particular position, so we would take this money and

we might shift it on to that individual or move that individual into a different payroll category for that window.

Ms. Like: Possibly. It sort of depends on the circumstance. We are very fortunate in our office to have a number of experienced deputies, many of whom, I think could successfully prosecute career criminal type cases. But the deputy who is going to be handling these types of cases has been handling them before, so it is just a logical progression.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify? None.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

The motion to approve C 2022-232 was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-233 Communication (09/21/2022) from the Deputy Director of Parks & Recreation, requesting Council approval to apply for, receive, and expend the National Park Service's Land and Water Conservation Fund (LWCF) grant, to expand public outdoor recreation opportunities for the following projects:

- Kapa'a Swimming Pool Improvements – \$576,437.50
- Hanapēpē Stadium Improvements – \$1,000,000.00
- Puhi Park Playcourt Resurfacing – \$375,000.00
- Bryan J. Baptiste Sports Complex Playcourt Resurfacing – \$375,000.00
- Wailua Homesteads Park Playcourt Resurfacing – \$300,000.00
- Wailua Houselots Park Playcourt Resurfacing – \$325,000.00

Councilmember Carvalho moved to approve C 2022-233, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Pat, can you give us a brief description of this item, please?

There being no objections, the rules were suspended.

Mr. Porter: Good morning. All of these projects are funded through the Capital Improvement Projects (CIP) funds that was in this year's most recent budget, so what we are trying to do is apply for this Land and Water

Conservation Fund (LWCF) grant, which is a reimbursement program from the Federal government. It is Federal money passed through the State, so our partnering agency is Department of Land and Natural Resources (DLNR) Division of State Parks, so we work with the Division of State Parks as the local government to receive these funds, and it is a fifty/fifty (50/50) match. We have the match in the CIP budget, so we are just trying to apply for these moneys to help pay for these improvements. That is basically it.

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: Thank you. Pat, I am curious, can you give me a little bit more details on the proposal that you are having for the Kapa'a pool; what that money is for specifically?

Mr. Porter: We are doing some big improvements at the Kapa'a pool. We are doing a lot of cement work and a whole new filtration system, so it is a big overhaul of the pool to make it safer. It is due for some love and care.

Council Chair Kaneshiro:  
Councilmember Cowden.

Councilmember DeCosta, then

Councilmember DeCosta: Hi, Pat. The Kapa'a swimming pool improvements, do we take into consideration that we may be putting in a new pool in the Samuel Mahelona Memorial Hospital Conceptual Master Plan and how would that balance out in the community with having two (2) major swimming pools? Are we eventually going to decommission the lower Kapa'a swimming pool near the ocean area, or are we planning to keep it? Also, I wanted you to address the Hanapēpē Stadium improvements. There has been a lot of concern for a bathroom, especially for the elderly getting to and from that one gate with their walkers or wheelchairs to have accessibility; are we planning on putting in a bathroom to accommodate them at the Hanapēpē Stadium?

Mr. Porter: The Kapa'a pool, we should be planning to retreat that pool *mauka*. That should be one of our long-term goals for that pool. Given that it is going to be years out before we do relocate the pool *mauka*, we decided to go ahead and fix this pool, so we can maintain this service to the public, at least for the near future, but that was a big discussion when we were thinking about fixing the Kapa'a pool. But in the end, just securing the land, doing planning and design, and constructing a new pool is going to be years out, so we decided to throw money at the existing pool. Definitely, as a County, we should be looking at retreating those types of facilities, and the Kapa'a pool being one of them, being up more *mauka*, definitely. The Hanapēpē Stadium, what that project is, we are going to be building an all-in-one facility in the same location where the food booth is for the football stadium. What we are going to do is build a bathroom, ticket booth, and a food booth all in one facility, and it will be in that corner. Then, we are going to design the fence in a way that if there are activities going on in the football stadium side that we can fence off the facilities to accommodate the football side, then when there are events going on the outside, like the senior softball, then the fence will be able to be open, so that outside events could also use that, so it will be in a central location for all of



them, and the Americans with Disabilities Act (ADA) accessibility is part of the construction.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I have several questions. How long and what is the schedule for the Kapa'a park improvements? When is it going to start and when do you think it will end?

Mr. Porter: I am sorry, the Kapa'a park?

Councilmember Cowden: I am sorry, the Kapa'a pool.

Mr. Porter: They are starting the construction this month, so it closed now.

Councilmember Cowden: How long will it take? Four (4) months, or six (6) months?

Mr. Porter: We are looking at opening in spring.

Councilmember Cowden: Okay, Spring 2023. Thank you. I know people just love that pool, so it would be awful to see that shutdown. Hanapēpē Stadium; can you speak just a little bit more to how the ADA for people who have difficulties, sometimes that gate does not get opened right now over near the food booth; how are we going to make sure that we have people with mobility issues get in? Where will they be having that access?

Mr. Porter: It is all designed in, it will have paths to that facility from inside the stadium and outside the stadium, depending on what event is going on, so it is all designed in.

Councilmember Cowden: Is it still that northwest corner? Is that where people would park and go in? Because it seemed to be an issue last time I was there.

Mr. Porter: That parking area, which in the day it is a practice football field, then during large events in the stadium like football games, it turns into the parking lot; is that the area you are talking about?

Councilmember Cowden: Yes, it gets blocked.

Mr. Porter: That is still...

Councilmember Cowden: Then, in just looking at the playcourt resurfacing, that is very expensive. The Kekaha tennis courts, I sent a request in more recently; is there a way for the community to do small project improvements? We saw Hanalei was able to do a rather significant improvement in their park. How

can we allow nonprofit efforts in Kekaha to fix their tennis courts? What would be the pathway, because this is a really expensive improvement from what we are seeing in these other ones? The tennis courts for pickleball are really cracked, so what do we do for that?

Mr. Porter: It just depends. We are always open to getting support from the community, so if there are any groups out there that have the will to help, and even better if they have funding like how the Hanalei Initiative had, we are always open. They can contact our office if they have ideas or things, we will be open to that. Some of these courts have gone a long time without being fixed, so the cracks are significant and there is not a good way to patch them up. What we are finding now is that we call it court resurfacing, but in actuality, it is not resurfacing, it is actually a full rebuild of the court because of the condition that they are in, which means we are ripping out everything and starting from scratch, all the way down to the gravel, and trying to do the full rebuild.

Councilmember Cowden: Is that what is happening at the Bryan J. Baptiste Sports Complex in Kapa'a, Wailua Homesteads Park, and Wailua Houselots Park? Is that why it is so expensive because basically it is a full rebuild?

Mr. Porter: Yes.

Councilmember Cowden: Okay. When I talked to people in Kekaha, if they are just doing a patch job, at least if the ball hits, it does not go all in the wrong way; is that something they can call you? They say they can fix it good enough.

Mr. Porter: Yes, we are always open if they want to reach out.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I remember talking to you a little bit about the jungle gym out there in the Kekaha area, I got a confirmation that you went out there and repaired that, I am just following-up with that; is that repaired?

Mr. Porter: For the playground?

Councilmember DeCosta: Yes, for the playground. I want to thank you for your promptness. I noticed the picnic tables that Councilmember Carvalho and I asked to put in Hanalei, the next day, it was out there. I called you for the jungle gym, I believe in three (3) days, you were out there, so thank you for your Department and your promptness with Wally and taking care of the responsibilities. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, is there anyone in the audience or on Zoom wishing to testify? Rupert. I believe you know the rules. You have three (3) minutes. The light will turn green when it starts, yellow when you have thirty (30) seconds, and red when

your three (3) minutes are up. We will open up the floor to anyone else who wants to speak, if you need another three (3) minutes, you can come back. Just state your name for the record.

RUPERT ROWE: My name is Rupert Rowe. I am the *po'o* for Kāneiolouma. I have a couple of questions that need to be taken care of. First question, we have a problem down there with flooding. The reason it floods is because the County filled the fishpond up. Second, we have another problem, we have all the hurricane debris that is in the back of Nukumoi Surf Co. that is still there from 1992. Third, the road that goes down to the park, I believe it is an illegal road. The main road is where Springy used to be, that is the over and under easement. The reason that road was temporary is because the previous mayor in 1962 gave up the road along the shoreline from Kiahuna to Waiohai, so it was a temporary road that is supposed to have gone down in 1965, and many of you were not around yet. So, these problems are very serious problems causing it to flood on the lower end, because when you throw mud on top of a coral bed, it will not drain, the mud becomes just like concrete, so that is why the parking lot is flooding down there. It is a very serious issue; it is because the County was pumping the water on the cultural site on the top, which had burial mounds in there. It was brought to the attention of the park and we had a little confrontation going on down there between the Department of Parks & Recreation and the Department of Public Works, that there is a serious problem on who works with our stewardship agreement on removing the green waste, so the whole place down there is totally out of control, because after the Administration changed, communication with the Department of Parks & Recreation got totally out of hand. They wanted to have an archeologist study on the...

Council Chair Kaneshiro: Rupert. That is your first three (3) minutes. Is there anyone else wishing to testify on this item? Lonnie is going to testify, and then you can come back.

LONNIE SYKOS: For the record, Lonnie Sykos. I would like to thank the Director of Parks & Recreation very much for all the research and planning that went into coming up with these plans. As someone who uses the Kapa'a pool, I remember when a forty (40) pound chunk of concrete just popped out of the wall and broke the basin. It would have killed anyone standing in there during working hours. The pool has been a consistent monetary drain on the County, because the filtration and water pumping systems are so old. Some years ago, I remember a substantial amount of money being spent to rebuild the pumps, so we have kind of reached the point in the age of the pool that it either needs major renovations or we need shut it down—that it was falling apart. I am very grateful to hear they are going to do a lot of cement work, because all that old cement is shot, the rebars spalled in it, so it is going to cost a lot of money to remediate it, but I am glad that it is being done—that facility gets a lot of use. In regards to Hanapēpē, I have seldom been at that park, but I do know that for probably fifteen (15) years, I have listened to Councilmembers talk about the apparent ADA violation of people reaching the restrooms, so again, to the Department of Parks & Recreation, thank you very much for in a relatively short period of time, fixing the problem that is at least a decade old. In regards to tennis courts, I, myself, have called 9-1-1 and been put in touch with the Parks' Rangers on multiple occasions over skateboarding in the tennis courts. However many years ago

it was, the County put new material down at the tennis court in Kapa'a, and the night that they finished doing that, it was filled with skateboarders cutting grooves in it, so a brand-new surface ended up grooved with skateboard wheels. So, this is a security and protecting our investment since then have built a skatepark, so hopefully, we create more places for people to skate and they will not be using the tennis courts and ruining the surfaces. Thank you.

Council Chair Kaneshiro: Thank you. Rupert.

Mr. Rowe: Let me finish what I was saying. Communication between the Department of Parks & Recreation and the Department of Public Works, to me, is a problem. They are charging each other to do the County's job, so communication is sad. I been there for twenty-one (21) years and never had a problem until this third person in the Department of Parks & Recreation got involved. Somehow everyone cannot tell the man what to do—critical, so the whole place is totally out of control—Kāneiolouma—worse than when we started off twenty-one (21) years ago. Second, the liability of the rubbish in there or any loss of life should not be in my organization's responsibility, because you folks will not be able to control a fire in there—this is very critical. The reason I am here is because before I leave this earth—I am eighty (80) years old right now, I must accomplish what I got involved in as a *kupuna* and as a *kanaka* to restore our past so that we have a future, whether it is culturally or economically, this is a driving force at Kāneiolouma—sad that it fell to the side. With the help of the Council, I believe you folks should look into this matter before we change Councilmembers in the future. Do you have any questions you want to ask me? I will be more than glad to respond to some of the questions, but I believe the flooding, you must take all the mud out of the fishpond that the Administration back in 1992 wanted to make a Japanese wedding in the fishpond. Secondly, this hurricane debris should have been gone in 1992, but it is still there, and I believe there are two (2) cars buried under the hurricane debris that was never removed. One (1) of the operators passed away and his name was Kimo Palama, he was the person doing the job there. Very serious. I think the Department of Parks & Recreation should really look at it and correct the problem on the flooding and removal of the hurricane debris and the green waste that surrounds the park, it really makes the park look like a rubbish dump right now. You folks should take a ride down there. That is all I have to say.

Council Chair Kaneshiro: Okay. Thank you. It is not really pertaining to the actual item, so we can talk to Rupert after this.

Councilmember Cowden: I have a clarifying question that I think is pertaining to the item.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Are you saying that when you look at how we are choosing to be spending this several million dollars, you are saying that it is not being directed correctly, because you are saying you feel that the park at Po'ipū is where it needs to be directed? That is how it relates to this question here through addressing the problems that you just described.

Mr. Rowe: Yes. I guess, correct in all of that if you spend the time and energy in finding out why these problems came about at the beginning, we would not be in a place where we are today. So, when you are getting grants to come in to improve the water quality down there, you cannot improve nothing because you cannot drain anything.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Forgive my lack of knowledge, was the fishpond on the parking lot? Is that on the County park or is the fishpond not in the County park?

Mr. Rowe: The complex itself...

Councilmember Cowden: Just short, is the fishpond in the County park or not?

Mr. Rowe: The fishpond is in the County park.

Councilmember Cowden: In the parking lot?

Mr. Rowe: In the parking lot.

Councilmember Cowden: Okay, and is that why it is full of water?

Mr. Rowe: I want to clarify that. The complex is from Kiahuna to the Waiohai to Kalapakī Joe's, and down to Springy's house. Everything in there is Kāneiolouma Complex. If you look at the entire picture, you will understand what I am talking about.

Councilmember Cowden: Okay. I will speak with you later about that for greater clarification.

Mr. Rowe: You are welcome. Thank you, Arryl.

Council Chair Kaneshiro: Thank you.

Mr. Rowe: And all of you, Councilmembers.

Council Chair Kaneshiro: Thank you. Is there anyone else for a second time? If not, is there anyone on Zoom?

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

Council Chair Kaneshiro: Are there any questions or discussion from the Members? Councilmember Cowden.

Councilmember Cowden: First of all, I want to have gratitude that these six (6) parks' needs are being addressed, they have been looked at and that we are going after them. We have another agenda item that looks at where we have other potential for spending money in different places, so we can think about if we have other needs and thank you for the work that you are doing, and I support these particular choices to be corrected.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2022-233 was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-234 Communication (09/22/2022) from the Director of Finance, requesting Council approval to accept standard terms and conditions of the Sturgis contract, which will be used for collections and as a back-end reconciliation system to track payments and outstanding receivables for the Kaua'i Transient Accommodations Tax (KTAT).

Councilmember Kualii moved to approve C 2022-234, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Councilmember Cowden.

Councilmember Cowden: Very simple. When I read the page that we got on this, are we having any problems with it or is it fine?

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance (*via remote technology*): Reiko Matsuyama, Department of Finance. We are switching vendors. There is no problem with current vendor, they are fully acceptable for collecting payment. Remember when we initially started this, we really wanted to get something in place, and we knew that it was a temporary solution, so we are moving to the permanent solution that we did cooperative purchase with all the other Counties, Maui and County of Hawai'i are on board, and we are jumping on board now.

Councilmember Cowden: Okay, so we are just consistent, so this is just an improvement moving forward, we did not have any problem in the past, we are just moving forward consistent with the rest of the Counties, so we are in alignment with the State.

Ms. Matsuyama: Correct.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

The motion to approve C 2022-234 was then put, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

C 2022-235 Communication (09/28/2022) from the Managing Director, requesting Council approval to apply for, receive, and expend the second allocation of assistance for State, Local, and Tribal Governments – Coronavirus State and Local Fiscal Recovery Funds from the United States Department of Treasury, in the amount of approximately \$10,804,436.00, appropriated by the U.S. Congress as part of the American Rescue Plan Act (ARPA) of 2021, to be used for budget priorities discussed during this agenda item.

Councilmember Kualii moved to approve C 2022-235, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I will suspend the rules. Mike, I know you asked for a deferral on this item, because some of the items might change, but if you want to give us a brief discussion on it first, then we will ask questions knowing that we will be deferring this item.

There being no objections, the rules were suspended.

(*Councilmember Chock was noted as not present.*)

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Good morning, Council Chair, and Members of the Council. Mike Dahilig, Managing Director, for the record. Before you is a proposal to request that the Council approve to apply, receive, and acceptance authority given to the Administration for approximately ten million eight hundred thousand dollars (\$10,800,000) of State and local fiscal recovery funds as part of the American Rescue Plan Act (ARPA) of 2021. As the Council has been through this drill previously, the Council may recall that the funds actually came in two (2) tranches last year after the appropriation by Congress and signed into law by President Biden where moneys of approximately seven million dollars (\$7,000,000) first came along with an additional three million dollars (\$3,000,000) that were part of the subset entitlement unit package that was negotiated by Senator Schatz to have that additionally released since the counties are the smallest form of local government throughout the State of Hawai'i. This time around, given instructions from the State Department of Treasury ("Treasury"), those two (2) amounts have been consolidated into approximately ten million eight hundred

thousand dollars (\$10,800,000) and we have circulated for the Council's consideration, a proposed discussion budget that reflects a number of hopefully shared priorities across the County. You may notice that with the proposal that has been transmitted to you folks, that there are no emergency response funds that are included in this particular tranche of funds—the reason for that is that the current ARPA authorization from you folks as what we call “ARPA 1”, does have money still remaining in direct COVID-19 response that is being managed by the Kaua'i Emergency Management Agency (KEMA) at approximately two million three hundred thousand dollars (\$2,300,000), so we do not believe that there needs to be additional moneys allocated in the second tranche that reflects that type of emergency response costs that are encapsulated in the overall COVID-19 items. One thing that has happened over the past year, is that a number of additional instructions have been given by the Treasury as a result of questions that have been raised across the nation on how these funds can be used or spent. One thing of note that has been made clear to us is that the funds do not need to be spent down until the year 2026. In terms of actually reflecting what we believe are priorities going in this tranche around, they do not need to be spent down in the method and manner that we were pressed up against in 2020 with the spend down of the Coronavirus Aide, Relief, and Economic Security (CARES) Act money of approximately twenty-eight million dollars (\$28,000,000). I believe that this can handle some of the more long-term goals or items that can support some of the County's needs.

Before you, what you have is six (6) lines of items, which in reality is five (5) with one (1) line item that reflects just the overhead and the need to conduct single audits as required by the Federal law. As you heard earlier, there is the allocation to help pay for the cost for the movement of the landfill cover soil from Grove Farm Company, as well as taken care of some of the environmental issues that we have around the County relating to heavy equipment and being able to handle the Department of Health (DOH) violation on that. We are allocating some moneys for housing. That money is to help facilitate the Kilauea land purchase for a total cost of four million dollars (\$4,000,000) for approximately twenty-five (25) acres of land. What the intent to do is to take approximately one million dollars (\$1,000,000) of ARPA moneys and combine that with trust fund moneys for a two million dollar (\$2,000,000) down payment of which then the remaining moneys would be paid for out of the Housing Trust Fund over the subsequent years. We are looking at making some headway in providing permits for a facility for the Kaua'i Police Activities League (K-PAL) program at KPD.

*(Councilmember Chock was noted as present.)*

Mr. Dahilig: We believe that this will help us complete plans and demolition of the existing structure that is adjacent to Vidinha Stadium, so that something more suitable and safer can be fully developed over time. The biggest allocation is approximately just under seven million dollars (\$7,000,000) for the renovation of the Big Save space. Throughout the past year, what we have heard as one of the biggest needs that has come out of the pandemic has been childcare, and we believe that by putting money on the table, this will be placing the County in a good position to have credibility in seeking community support funds for that renovation. There are also funds that are potentially available from State programs,



but we believe that having the money on the table in this amount, we will be able to one, take a space that has been long left unutilized as an asset by the County, and two, be able to meet the needs of childcare, which so many have raised to us as the biggest barrier to being able to have people regain employment or rejoin the workforce in our economy. In terms of the actual total amounts, these do not necessarily overlap with any of the previous ARPA allocations from the ARPA 1 approvals from the Council. Just as a side note, there is approximately four million dollars (\$4,000,000) out of the first set of ten million eight hundred thousand dollars (\$10,800,000) that is still remaining. There are priorities that can be reallocated within those amounts that do relate to spend down items regarding houseless support. We are aware that there are so much need in this area. I know it is something that Councilmember Cowden has been quite concerned with, and we will continue to work with her and the Council on spending down the remaining funds within the ARPA 1 allocation. With that, Council Chair, I am available for any questions. I would like to note that I notice this is the first time the Council has seen this collectively as a body, so we would just affirmatively like to recognize that and ask for a deferral until the October 19<sup>th</sup> meeting to give the Council some time to deliberate and give us needed questions, comments, or suggested changes leading into the deliberation on the proposal for acceptance, receipt, and expenditure. With that, Council Chair, I am open for questions.

Council Chair Kaneshiro: One quick question, then Councilmember Cowden. With the ARPA money, are there any types of limitations on how we can spend it?

Mr. Dahilig: The same limitations do apply. In terms of how, it needs to be consistent with response or economic recovery, or those four (4) broader areas, so that is why it is still a bit of amorphous in terms of what may or may not be moneys that can be spent on. One difficulty that we run into is this ability to prove economic loss to have the money backfill a reduction in our revenues. As you know, our revenues have actually gone the opposite way, so that is why our analyst Nicholas Courson has been in the review process of these proposals to ensure consistency with approximately...it is a binder of about this thick of guidance array that has come through from the Treasury. Again, it still aligns with those general principals of response, economic recovery, economic loss, and how we are able to deal with those types of gaps in our County budget.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: First of all, I want to thank you for asking for the deferral, so we will have a couple more weeks with this, and allows the time for community input like we just heard Mr. Rowe talk about some needs at the Kāneiolouma complex. Are we entertaining community requests as well?

Mr. Dahilig: Ultimately, that is the Council's prerogative. We see this as we have talked about in previous discussions on ARPA as a shared responsibility between the Legislative branch and Administration, so we would not want to unilaterally preclude any type of input that the Council feels is important for allocations. That is certainly an option for you as a Member and as a body,

Councilmember Cowden, and we are prepared to have any dialogue relating to any additional suggestions that you may have.

Councilmember Cowden: When we have this heavy equipment wash rack, I have heard complaints from people in our Solid Waste Division that they feel that they are dealing with something unhealthy, so I am happy to see this. It says, "employee request and possibly upcoming Department of Health violation," and, "system would be replaced at LRS," forgive me, what is LRS?

Mr. Dahilig: My apologies, that is the Līhu'e Refuse Station.

Councilmember Cowden: Okay, Līhu'e Refuse Station.

Mr. Dahilig: That is more commonly known as the Līhu'e Transfer Station.

Councilmember Cowden: Okay. We would be putting in infrastructure to make sure our solid waste garbage trucks are clean in a way that are safe for our people. This Kīlauea land purchase, is this going to be for the Hay property or the one under eminent domain?

Mr. Dahilig: This would be for the Hay property. Just as a note, we are still under negotiation with that, and it is part of that overall friendly discussion that we would see this money be contributed to. Like with any land purchase, there is obviously people that are aware that particular parcel is on the market, so we know that other people may be interested in it; however, we are going to do what we can to remain committed that it be maintained for items consistent with the Kīlauea Town Plan, which is for affordable housing.

Councilmember Cowden: Okay. I have absolute support for the K-PAL Sports Complex for the one hundred thousand dollars (\$100,000). With this Pi'ikoi renovation for youth center that is almost seven million dollars (\$7,000,000), it is well over half of this almost eleven million dollars (\$11,000,000), ten million eight hundred thousand dollars (\$10,800,000). I was surprised you used the word "childcare", is this actually going to be a childcare facility?

Mr. Dahilig: That is where the elements of consistency with how we provide analysis with the actual ARPA act come in. There is an explicit guidance from the Treasury that childcare is an allowable use of the moneys. So, understanding that past efforts to try to get that space renovated or utilized either through Request for Proposal (RFP) private-public partnerships or through direct appropriations seems to be a problem for people to take all in one (1) chunk, that is why we see this as an opportunity for headway given the spend down time, as well as trying to meet a community need. We have received guidance that this is an explicitly allowed use relating to childcare, and that is why that renovation is proposed in consistency with guidance from Treasury.

Councilmember Cowden: Okay, I am hearing we want to fix that building and part of that use could be childcare because that is how it is laid out. I want to give voice to the one million dollars (\$1,000,000) that I did ask for 'Ohana zones, and yes, that is certainly compassionate and better for the people who are displaced, but I am hearing input in just about every business district area where they are deeply impacted by displaced people pooping in the business district, laying in the doorways, all of that, so I appreciate that there is some possible money from the last ARPA funds to work together to create areas where people can compassionately live for the enduring emergency where they can have port-a-potties or bathrooms, rubbish bins, agreements of rules to not violate, and to place people who are basically littered along our bike path, roadways, and business districts—that was my request, I am just openly stating it. I am happy to work with what we have left of the others, and I am just asking for a little bit of feedback on that because it is not even just compassion for the people who are at-risk, it is help and improvement for our business districts, or safety in neighborhoods where they might feel better. Can you speak to that for a little bit just so we know as a group where we are at with what you are suggesting we can work on?

Mr. Dahilig: Certainly, I know that in past conversations, Councilmember Cowden, that your concern for our houseless community has been a priority of yours and looking at the last allocations is something that I think we have shared at a resourcing standpoint as a recognized need for how to provide opportunity for support in that area. Given that there is still about one hundred seventy thousand dollars (\$170,000) still remaining in the houseless support allocation, I believe it is imperative for us to look both short-term and long-term and that some of the ideas that you are suggesting do provide credence for our houseless support staff to be able to latch on to and see if we can use the moneys in that manner, so we will continue dialogue on that, we know that priorities have changed given how these things are approached with given the draw down on the pandemic urgency, nevertheless, these issues do manifest themselves still in our community and we do need to provide support in that area, so you have our commitment to continue to work together on that spend down.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. Just two (2) clarifying questions, the first on the Kilauea land purchase, you mentioned the remainder of the four million dollars (\$4,000,000) that will be paid through payment plan; can you expand on that? What type of payment plan and through what means?

Mr. Dahilig: The reality with how we have been able to look at the Housing Trust Fund is that the Housing Director obviously does not want to put all his "eggs in one basket," so in understanding that a four million dollar (\$4,000,000) cost for Kilauea would eat the Housing Trust Fund all for one (1) year, it does not give him much latitude to be able to fund either environmental assessment (EA) or environmental impact statement (EIS) work, studies, permitting, those types of things on an annual basis. This recommendation has been to try to

draw across the purchase obligation rather than having it all spent in one (1) year. In the proposal currently, it is a three-year, where two million dollars (\$2,000,000) would be put this year, and then a one million dollar (\$1,000,000) hit for the next two (2) subsequent years to the Housing Trust Fund given what has been past habits with appropriations, so it is more of a cash flow of flexibility rather than having everything be taken care of in one shot.

Councilmember Chock: To clarify, you intend to utilize the Housing Trust Fund for subsequent payments on follow up years, correct?

Mr. Dahilig: That is correct.

Councilmember Chock: Okay, thank you.

Mr. Dahilig: The idea would be essentially two million dollars (\$2,000,000) year one, year two would be one million dollars (\$1,000,000), and year three would be one million dollars (\$1,000,000).

Councilmember Chock: Okay, thank you very much. The other question is around the childcare at the Big Save building, which I am completely supportive of and agree that we need. The way you folks have turned it as a youth center, I am just curious because it is a big location; how willing are you folks in looking at it holistically in terms of service providers for youth? Childcare is one (1) aspect, but if we can expand on it and utilize the site, I think it diversifies the opportunity for us to partner with a larger group of potential funders.

Mr. Dahilig: That is kind of the kick-start conversation that needs to happen from a “nuts and bolt” standpoint. Obviously, the twenty thousand (20,000) square feet, there are possibilities for other related type uses that go along the spectrum of ages is definitely on the table, and I think that is where part of the conversation with trying to seek community partners in helping shape that vision is what the money is viewed as in terms of a catalyst for that conversation. In terms of how the renovation would look, I think that there is no specific desire to have, at this point, allocation of square footage rather than go through a conversation of what is the actual need out there, because we understand that childcare spans spectrums from one (1) month all the way up to middle school, in that range. What that will provide as a service for our community really needs to then be drawn on, then reverse engineered into a specific floor plan. Yes, there is space for that type of conversation. We understand that childcare is not limited just specifically to one (1) age group or one (1) set of need, but it should be reflective of even some of our other programs across the County that are in things such as the Boys and Girls Club or Big Brothers and Big Sisters, and whether those can find a place in this area.

Councilmember Chock: Thank you very much. Just to confirm the close to seven million dollars (\$7,000,000) would cover all of the structural renovations that are necessary, but not any design needs moving forward, correct?

Mr. Dahilig: Rather than allocation, that is my understanding roughly, but like anything, these things are fluid, and the estimate on

full buildout would range between ten million dollars (\$10,000,000) to fourteen million dollars (\$14,000,000) depending on what needs to be programmed in the actual vertical construction of the space.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Thank you, Mike, for all your work that you do. I wanted to piggyback on Council Vice Chair Chock's seven million dollars (\$7,000,000) on the Big Save renovation. That was a store with refrigerators, freezers, and aisles—it was a market for people to shop, is it still intact like that, or is it gutted out and is just a building?

Mr. Dahilig: The previous Chief of Buildings Division at the time was when Big Save vacated the space was to instruct Big Save to literally scape it to the floor, so if you go into that area right now, there is no power, no electrical, and no water. There is literally a concrete floor with a roof. A lot of what could be perceived as potential soft in-kind types of things that could be utilized to renovate the space no longer exists. I would venture to say that there is not even linoleum on the floor at this point. It is definitely in a state where it was gutted to the bone.

Councilmember DeCosta: Okay. When we talk about childcare, we are talking about all of our income brackets being available to use the childcare, not just one income bracket, am I correct?

Mr. Dahilig: I think the best way to describe it, Councilmember DeCosta, is that our approach on this would be to provide guidance to a potential vendor or operator to then go through and provide the service. Obviously, we do not want this to be a barrier to anyone needing this use; however, given that there are a number of programs across the State that do cater to different types of needs within the childcare realm, we believe that going through a competitive process in an RFP for an operator once the center is actually constructed if it is approved, will be the best course to have those types of barriers be either prescribed or left out as a process of competitive bidding.

Councilmember DeCosta: It is a no-brainer that childcare can go anywhere from six hundred dollars (\$600) to seven hundred dollars (\$700) before they attend preschool, and right now, preschool payments are about nine hundred dollars (\$900) a month, so I want to make sure that our low-income bracket and our middle-income bracket can be served, it is not just targeted to one (1) of those brackets. Mike, another important thing that we all do not talk about is food security, we have learned that during COVID-19, we talk about our houseless community which happened during COVID-19, but we still are not talking about food security. I want to see renovations done with Kojima's in Kapa'a and have some sort of food hub or put some money into that. I think that would be unbelievable. We have not really talked about that, and I think that should be a conversation among all of us. If we have some kind of meat, vegetable, and fruit area where people can leave their items

on consignment, and they are not just having to schedule a Saturday farmers market, which a lot of people have a hard time doing that, I think we would be on to something huge, so I want to put that into the conversation piece if must.

Mr. Dahilig: In response, Councilmember DeCosta, certainly, we do recognize that in the last conversations about the non-entitlements units of local government (NEU) package that we did make allocations for agricultural related job training and that money has already been encumbered and agreed to with spend down with Kaua'i Economic Development Board (KEDB). We are looking at providing more supports considering some of the proof-of-concept types of things where we are observing as successes with some of the things that have already been put into play with that money and trying to see if we can push that even further. We are in conversations right now with KEDB to have that be potentially augmented so that this pilot can move on to the next phase. As mentioned, those are the types of conversations, Councilmember DeCosta, that we can certainly engage in as a way to backfill some of our previous efforts or if there is a new effort that needs to be a line item that is certainly on the table.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Mike, I just wanted to clarify again, for the Pi'ikoi space which is great as far as childcare. I just want to clarify that we have options, obviously, to look at different opportunities. Remember, we talked about user space for youth having a technology center where they can come, we have talked about that in the past, and then just having that chance to discuss it and see what kind of options we have. Then over to K-PAL at the stadium, the funding right here is just to renovate, but nothing with the program side of it or the rebuilding of the facility, so looking at how to enhance that; is that something that we can bridge and connect as far as youth? Maybe channeling more funds this way or that way, back and forth, I just wanted to get clarification on that.

Mr. Dahilig: Given my recollection of previous conversations, that youth element including the support for K-PAL had been something that had been desired on from the community, as well as the Council, from a youth mental recovery standpoint. The funds that are in ARPA 1 that are on the table right now are being used to execute a long-term lease somewhere within the Līhu'e area to provide K-PAL a home where we can restart up these programs that are very necessary for our youth to feel welcomed, engaged, and part of a community. While that is going on in terms of that long-term needs for a temporary site, the moneys in ARPA 2, the second tranche that is in front of you, is meant to provide the necessary design and permitting costs that are going to be on the table for renovating a permanent space for them. We believe that we are hitting it from two (2) angles, where we are looking at it long-term, because of the funding availability until 2026, but also in the short-term where the previous ARPA moneys do provide lease moneys to be able to secure a space so that we can get that program up and running immediately.

Councilmember Carvalho: Okay, I just wanted to clarify that. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I have a follow-up on Councilmember Carvalho, that is a good point. How committed is our Chief with staffing K-PAL? We are going to renovate the center and get it up and running, but is our Chief going to staff it? The last time we spoke, they might outsource that, and I do not know how I personally feel about that, I do not think I want to outsource it. I want our K-PAL police officers actually involved.

Mr. Dahilig: The Mayor has had a number of conversations, as well as myself, with Chief Raybuck, and we made clear that K-PAL without officers is not K-PAL, so we believe there is space to be able to use the time that is allocated for our student resource officers (SROs), as well as a sergeant that is overseeing this community outreach to be able to draw in the resources of our officers that are either on the clock or not on the clock want to volunteer their time to benefit our youth. At the end of the day, we have a commitment from the Chief that those positions in terms of staff are available, but like anything, we believe that without a space, a lot that time will not be utilized appropriately, so that is where the previous moneys to secure a spot that we are currently in negotiations with to provide a home will actually yield the "proof in the pudding" on where we are with resourcing time.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Kualii'i.

Councilmember Kualii'i: Mike, on the seven million dollars (\$7,000,000) for the Piikoi renovation youth center, the twenty thousand (20,000) square feet, is that the entire area?

Mr. Dahilig: Yes, we are looking at the entire area of that space.

Councilmember Kualii'i: Then you said, to do the complete work, it could cost as much as fourteen million dollars (\$14,000,000).

Mr. Dahilig: That is correct.

Councilmember Kualii'i: That other seven million dollars (\$7,000,000) will come from County funds rather than ARPA funds or future potential ARPA funds, but my question here is, are we also considering any additional needs for office space, because we have had in the past where Planning outgrew their space and then they needed additional space. For the future, this is the most logical place to expand where we need to expand any of our office, will some of that be planned in as well?

Mr. Dahilig: That is a good question, Councilmember Kuali'i. The purchase of the overall complex in the early 1980s or early 1990s yielded a realm of possibilities, but I do not think anyone at the time had considered that Big Save was ever going to leave that site. A lot of other spaces within the County complex are available for retrofit and renovation that are currently being used as storage. There is a space across the Fire Department that is currently being used as plain storage and there is a space across the Housing Agency that is being used as storage. I can get you the exact square footage as to what those particular spaces are in terms of what potential expansion could yield. The one drawback is that some of the renovations for those spaces will also reach into those upper levels of costs, where in some cases, retrofitting the space across from the Fire Department was estimated by our previous Chief of Buildings Division to run in upwards of eight million dollars (\$8,000,000) to ten million dollars (\$10,000,000). It becomes a question of whether the capital to be spent on office space should be juxtaposed with some of the other competing of priorities and capital improvements that we have across the County and past Administrations have made that determination that while we do need office space, it is better used for facilities that are either crumbling or need a lot of renovation. That being said, one other thing that we are considering is the fact that the work and the change environment in terms of how people do work has evolved, so the brick and mortar evaluations become a bit differently skewed in terms of how we work. Those are more long-term conversations as to whether the COVID-19 types of protocols like this one where I am interacting with you over teleconference become more common place, and where brick and mortar is actually needed. We have considered the opportunity cost and say, if we take this Bis Save space and convert it to childcare usage, does that foreclose us down the line from being able to meet our office space needs? We believe that there is additional space under a roof that we can retrofit moving forward, and we do not think this will, at least in the coming decades, be an inhibitor for us to be able to meet our employees needs overtime.

Councilmember Kuali'i: When you talk about childcare uses, is it then possible that we could have nonprofit and maybe even for-profit providers utilize that space, maybe lease that space or what have you?

Mr. Dahilig: I think that is a possibility and why the fund blend becomes important for us to consider other support rather than having it all come out of one (1) type of funding. Obviously, if we use the funds for these particular types of usage because it is Federal moneys, we are going to be pot committed to that element, but if it is for potential provider space where wrap-around services for those also needing childcare can be included in the one-stop-shop type of situation. Getting funds externally added to this provides us at least some cover to be able to say that it is multi-use rather than one (1) line, so there is a lot of room there. It is twenty thousand (20,000) square feet and a lot of that one-stop-shop type of synergies will definitely be a great addition to any type of core service like childcare where we are seeing with Kealaula and having wrap-around services there.

Councilmember Kuali'i: In this line item, you list under department, Office of the Mayor, Department of Public Works, and Department of Parks &



Recreations; is it to be understood that the Office of Economic Development (OED) is also included through the Office of the Mayor?

Mr. Dahilig: If they are needed for the conversation, they would be. We see this mainly as a CIP item, but I think down the line, your suggestion of making sure that OED is included is pertinent when we get to the discussion on programming and where we would best angle the RFP for meeting what has been an employment gap for our community. I think that is a good suggestion, Councilmember.

Councilmember Kualii: My last point on this is that, probably for this entire term, Councilmember Carvalho and I have been talking with Director Alice Luck with the Kaua'i Planning & Action Alliance (KPAA) for Keiki to Career Initiative, and their ready to learn, ready for life, and I have even connected Alice with some resources from National Association of Counties (NACo). I am hoping as you develop the concept and plan that you talk to them, because I think they will be the prime supporter and potential users or working with users, so it would be important to include up front in the planning stages.

Mr. Dahilig: One good thing about Alice is that she is persistent, and that she is a big advocate for early childhood education. She has been in contact with our Chief of Staff and the Mayor on some of the things that KPAA has been trying to both make awareness known, as well as provide solutions for, including partnerships with folks from Kamehameha Schools and those types of organizations. We want to see this a *kākou* thing, we do not want to forge alone, and we believe that with this type of investment with this type of space, it provides a big tent opportunity for folks to share their ideas about how we can best position this as being this area that social services need.

Councilmember Kualii: I did see one more point in my notes. With the seven million dollars (\$7,000,000) if you get that amount and start moving forward, what kind of timeline will you be able to get what you need done?

Mr. Dahilig: If we do have authorization from the Council to spend in this plan, it would provide us and opportunity to immediately engage with community partners foundations as well as the State, which also has money related to this area to see if we can get to an area with a meeting of the minds on funding plan for full buildout, so we want to jump on that immediately. While 2026 does seem far, it also is not too far away, we would have to complete construction by 2026 in order to meet the obligations of the ARPA. We would not waste time in terms if we have this money to be able to put on the table to be able to convey the Council and the Administration seriousness on being able to make investments in this area and that partnership can be relied upon.

Councilmember Kualii: *Mahalo*, Mike.

Council Chair Kaneshiro: I know there are a few more questions from Councilmember Cowden and Councilmember DeCosta. We need to take a ten-minute

caption break. We will take our ten-minute caption break now and come back for more questions.

There being no objections, the meeting recessed at 10:45 a.m.

The meeting reconvened at 10:55 a.m., and proceeded as follows:

*(Councilmember DeCosta was noted as not present.)*

Council Chair Kaneshiro: Welcome back from break. We are still on questions. Councilmember Cowden.

Councilmember Cowden: Managing Director Dahilig, thank you so much for presenting this opportunity. Can we have a summary copy of the list of available ARPA funding uses and the goals for this particular ten million eight hundred thousand dollars (\$10,800,000)? It will be helpful for me if I could see it to understand it better.

*(Councilmember DeCosta was noted as present.)*

Mr. Dahilig: Certainly, we can transmit the current guidance documents to the Council. There are a number of...it would probably be best if I transmit over the weblink to those guidance documents that we rely upon and that the rest of the counties across the nation are as well.

Councilmember Cowden: Okay, that would be helpful. I know that we have heard quite a bit about this in the NACo conferences that we have gone to. Just for clarification, are these dollars largely related to the COVID-19 crisis or is it more about long-term infrastructure independent of COVID-19? The first ARPA funding was definitely dealing with COVID-19.

Mr. Dahilig: The key word is "recovery." The tiebacks to the actual COVID-19 response are only a portion of what it was envisioned by Congress as overall recovery measures. That is where we do not believe that it is overtly narrow type of usage, but it does have to tie back to that overall discussion of recovery and support for that.

Councilmember Cowden: Okay. When I look at the biggest expenditure that is almost seven million dollars (\$7,000,000) going to renovating this portion of our office space that we needed to do for a long time, it is not lost on me that some of our existing County office space is really cramped, people are making a lot with a little in those areas that are behind our spacious Department of Motor Vehicles and some of that. I recognize that we need to be fixing that building. The childcare is not a Charter responsibility of Council, correct?

Mr. Dahilig: We do view it as an organic responsibility under the Charter; however, as Councilmember Kualii did allude to and we are seeing the nexus, keeping gainful employment is largely incumbent for those that have young families to be able to find childcare as a way to enter the workforce, so we

see it as that being the nexus rather than just simply early childhood education itself. That being said, that is why our intention ultimately is to have the money to build the facility rather than it be reflected in some type of overall operational type of arrangement where the County would take responsibility from its budget to be able to do that.

Councilmember Cowden: I am asking, a number of these youth providers that we are looking at and discussing, do they have existing suitable locations such that we can simply apply these moneys to their programming, which would allow other infrastructure uses, because most of this seven million dollars (\$7,000,000) would be going to fixing the building. Even the adolescent treatment facility is hoping for some money from us, so I am in agreement that we need to help the kids when we concentrate it right on this building in the middle of us here, it does not help most of the island, it just helps this Līhu'e area. I am just wondering, yes, I want to help these kids, yes, I want to be able to provide these solutions, but how can we be taking these dollars benefiting in more places. If we were to apply that whole big building towards a youth facility when the County really needs office space, we have been waiting on that for a long time to be utilizing it. I am just suggesting that maybe we contemplate how we can help the kids and families where they are able to go to work in different parts of the island, so we are addressing the childcare element and having more money available for the potential consideration of other infrastructure needs.

Mr. Dahilig: Just as a follow-up, Councilmember Cowden, and Councilmember Kualii's inquiry, during the break I dug up with the assistance of Keith Perry the existing floor plan for the entire Pi'ikoi building and of itself, and we approximately have about fourteen thousand (14,000) square feet of unprogrammed vacant space within that overall complex that has no offices. When we are looking at the ability to find enough office space as you have described, in renovating the space behind the Purchasing Division, which is approximately eight thousand (8,000) square feet, as well as the six thousand five hundred (6,500) square feet that is across from the Housing Agency, but facing Rice Street, those will provide us ample opportunity to also be able to program and build out more necessary office elements for County employees. While the Big Save space is large, we do have a space that is about seventy-five percent (75%) in addition to the overall Big Save space to be able to find areas for offices for employees. That being said, I do not want to take away from that being a priority, but given the intention of ARPA does highlight recovery elements, we would find that our prioritizing something like childcare, which is a two (2) check box types of situations versus paying for office space. We believe providing that service would be a better utilization of the funds rather than building offices for ourselves.

Councilmember Cowden: Okay, we would call that area you are discussing, what was Gems. Gems is available to add, since we are talking about Big Save, we can talk about Gems. I accept that. When I am looking at seven million dollars (\$7,000,000) I think about, can we place things around the island, because it is not only Līhu'e who is having a difficult time with having a place to inspire their kids while they are working, so I am just letting everyone know that it might be, since most of this seven million dollars (\$7,000,000) would be going towards building

renovation, we might be able to more broadly help our youth infrastructure across the island, and then have more money still yet available for some other potential uses. I am just putting that on the floor.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: She asked the question.

Council Chair Kaneshiro: Okay. Councilmember Kualii'i.

Councilmember Kualii'i: Mike, my only other question had to do with putting one million dollars (\$1,000,000) towards housing. My point, idea, or item is we are trying to replicate the success of the Kealaula twenty-nine (29) unit transitional housing project, which is incredible, and know we are potentially seeing two (2) or three (3) other projects like them in the future. The next one in line slated and talked about already for Lima Ola; is the funding already in place for that, or could we use some of this funding to go towards that?

Mr. Dahilig: That is a good question, Councilmember Kualii'i. In the last ARPA budget, we allocated two million five hundred thousand dollars (\$2,500,000) of ARPA funds for that particular construction in Lima Ola. That money has been certified to go out to bid and we did make an award to Shioi Construction to be able to start the construction of that same concept out there. We are moving forward with the vertical in that area, and there should be an announcement soon about in concept what it looks like they are going to build. It is the same contractor that did Kealaula and they are familiar with the product type as that project to be able to build on efficiencies and things that they have learned with the last construction to be able to go vertical with the two million five hundred thousand dollars (\$2,500,000) budget at Lima Ola.

Councilmember Kualii'i: Excellent. I like the sound of that, going vertical. Thank you, Mike.

Council Chair Kaneshiro: Are there any other questions for Mike, right now? I know this item is going to be deferred anyways, so we will probably have another discussion on it.

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any discussion from the Members before we defer?

Councilmember Cowden moved to defer C 2022-235 to the October 19, 2022 Council Meeting, seconded by Councilmember Kualii'i, and carried by a vote of 6:0:1 (*Councilmember Euslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

COMMITTEE REPORTS:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (No. CR-PRT 2022-06) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Received for the Record:

“PRT 2022-02 – Communication (09/12/2022) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation, to provide a briefing on the public process and public notification on the choice to remove the windward walls from a Hanalei pavilion,”

Councilmember Carvalho moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

PLANNING COMMITTEE:

A report (No. CR-PL 2022-10) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2878 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*County of Kauai Planning Department, Applicant*) (ZA-2022-8),”

A report (No. CR-PL 2022-11) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2879 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONSTRAINT DISTRICT(S) (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-12),”

Councilmember Kualii moved for approval of the reports, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

The motion for approval of the reports was then put, and carried by a vote of 6:0:1 (*Councilmember Evslin was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

#### RESOLUTIONS:

Resolution No. 2022-39 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Julie Black Caspillo*)

Councilmember Kualii moved for adoption of Resolution No. 2022-39, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience or on Zoom wishing to testify?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any questions or discussion from the Members? If not, roll call vote.

The motion for adoption of Resolution No. 2022-39 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Kualii, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Evslin	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Six (6) ayes, one (1) excused.

Resolution No. 2022-40 – RESOLUTION RECOGNIZING THE SIGNIFICANT ROLE THAT GAME ANIMALS AND WILD CATTLE PLAY AS A FOOD SOURCE FOR THE COMMUNITY

Councilmember Kualii moved for adoption of Resolution No. 2022-40, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Councilmember DeCosta, if you want to explain your Resolution.

Councilmember DeCosta: Thank you, Council Chair, and Councilmembers. During COVID-19 it was apparent that our game animals and cattle were a substantial amount of food gathering. DLNR opened hunting seven (7) days a week so our local families who were not working or drawing in revenue, could go and harvest animals to feed their families, and we all sit here on the table as locals and have eaten many good food items that we have prepared. I have shared a nice roast with Vice Chair Chock and Councilmember Carvalho off of the mountain. I wanted to bring awareness that the game mammals that were classified when we became a State in 1959, today, have a more significant role. They are our natural resource, they are like our food ice box out in the mountains, and it played a very important role. I am kindly introducing this so we can use some support for the future that this resource stays managed in a way that we can provide future generations the same opportunity that we have in case another natural disaster or in case fuel prices escalate where we cannot bring in foods to our local shelves, that this is available in the mountains of Kaua'i.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: First of all, thank you, Councilmember DeCosta for putting this forward. I think it is very important. I want to look at that word "support" and speak to what support might actually mean. I have a couple of questions. I noticed a few things may be missing in here, but they could all get wrapped up in that word "support." The amount of fences and gates that are everywhere, I am not sure that they trap the animals as much as they trap the hunters. Do you have thoughts when you look at this word "support" since you are an active hunter, how do you find the level amount of gates everywhere that block the mountain access? Can you speak to that?

Councilmember DeCosta: Yes. Thank you for that question. Of course, that was part of the descriptive narrative in the Resolution. When we became a State in 1959, the lands that are available in Kōke'e and a few areas that we call Unit "C" in Kalihiwai Ridge, which is very inaccessible to our local hunters and we have the Powerline Trail above Kapa'a—those are areas that the State set aside for our local hunters to use, our *kānaka maoli* to access, who now do not have accessibility through private lands because it is gated off. Now, with all the fencing going on, the hunting area has become smaller and smaller. The bottom line was to keep the invasive

animals out of the foliage area, or the native forest, and being devastated and of course, the big thing was the wallows the pigs would do, the mosquitoes would lay their larva, and those mosquitoes would affect our native birds. We just had our introduction of another process for the mosquitoes to protect our native birds, which means we might not even need all those fences that we have in place. I just wanted to put precedence that there are many problems in our forest, but food security did resonate during COVID-19, and this is the reason why I introduced this.

Councilmember Cowden: Okay. I want to add that humans are the apex predators for these animals, because they were brought here, so hunters are needed to benefit our whole watershed. If, in the future, you come up with ordinances that help this very key word on the bottom of the first page about supporting our hunters and gathers, I am very interested in seconding that, because I have seen as we have incarcerated our hunters for smallest of infractions, or we have lost a whole layer of people who I think are a free and natural part of maintaining our environment and ecosystem. I think there is a lot that needs to be supported for that including figuring out how we can make it be that other people can eat it, I know you cannot sell that meat, is that correct?

Councilmember DeCosta: Currently, in Hawai'i you cannot, but there are other States that allow that type of process that happens in different slaughterhouse. Just in Hawai'i, we cannot bring a dead carcass to a slaughterhouse like you can in Montana, Wyoming, or other areas like that.

Councilmember Cowden: Maybe we can look at that. I would imagine that is State policy, but it might be that it can be looked at. Maybe you know, are there more pigs than people on the island? I hear that. Is there any accuracy in that?

Councilmember DeCosta: I could not make that educated guess, Councilmember Cowden, but that is a good trivia question.

Councilmember Cowden: Alright, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, is there anyone in the audience wishing to testify? Lonnie.

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

Mr. Sykos: For the record, Lonnie Sykos. Councilmember Cowden, the number of pigs on this island, in 1999, DLNR told us on Maui, because we were in the third cycle of back-to-back El Nino's, Hāna Town had two thousand (2,000) wild cattle that came out of the mountain—they were everywhere. You shoot them, you debone grown cattle, and get about forty (40) pounds of meat, no fat, not a tablespoon of fat on the animal. DLNR told us there are over one million (1,000,000) wild cattle in the State of Hawai'i. There is about one hundred million (100,000,000) hogs. Wrap your head around it. I raised hogs. Three (3) months, three (3) weeks, and three (3) days, the sow is popping a new litter out. The wild hogs that are high domestic strain commonly keep eight (8) to ten (10) young alive, so just do the math, times fifty (50) years, and you end up with an insane



number of hogs, which is what we have. Both the cattle and the hogs are a direct threat to human beings. I used to hunt. I hunted twenty-five (25) years on Maui. I never knew a single pig dog that did anything but get between our legs when we got high enough to get into the wild cattle range. Big dogs do not hunt wild cattle, because the cattle will kill them, and the cattle will kill you. The thing about hunting wild cattle is it is really easy, you go up there and let them know you are there, and they come. You better have a .30-06 gun. You better know what to do with it. I am totally in support of Councilmember DeCosta's Resolution. In the fact that what he calls for is the State to come up with a program to control the numbers of these animals, so I think you should delay doing this, and that when you get to the, "Be it further resolved that game animals and wild cattle should be managed in a manner that ensures that local hunters, harvesters, and gatherers are supported and that causes this food source to flourish." The flourishing is a problem because you end up with the Environmental Protection Agency (EPA) and environmental issues of the degradation done to the environment by the pigs and the cattle. On the other hand, they are a very valuable food source. What we need is DLNR...

Council Chair Kaneshiro: Sorry, Lonnie, that is your first three (3) minutes. Is there anyone else in the audience wishing to testify? You can have your next three (3) minutes.

Mr. Sykos: Thank you. What we need is DLNR to come up with a functional program of how we are going to control the numbers of these animals. In that sense, what you need to get is our State Senator, our two (2) State Representatives here to explain what can be done to influence the Legislature to provide the money to DLNR to actually make an impact, so that is what needs to be done. This Resolution is going to go to the Mayor and pretty much that is the end of it as resolutions go. I think whether our State Representatives want to get involved or not, you should make them get involved, so that at the end of this Resolution, it says what exactly, what specifically DLNR should be funded to do to promote the balance between the value of the wild meat and the environmental and human threats that they impose. The other thing I will point out, I have been to Texas, yes, I can go kill a deer and take it in and get it processed, even turned into sausage. The facility that does that only handles wild game, it does not handle domestic game, and so you have two (2) completely different systems; one for domestic cattle and hogs, and the other one is to process wild game. Anyway, wild game is delicious. Thank you very much, Councilmember DeCosta, for this Resolution, and just take it to the next step and try and get some pressure on DLNR to control these populations that are getting out of control. Thank you.

Council Chair Kaneshiro: Is there anyone on Zoom wishing to testify? Are there any further questions from the Members? Councilmember Cowden.

There being no further testimony, the meeting proceeded as follows:

Councilmember Cowden: What do you think about what he just said? When I read this, I appreciated it, and it shows intention, and I think it is actually really important; how would you feel if we pushed this for another two (2) weeks and strengthen it, because I think it is more than just protecting a food source, it is

managing something, and it really does take State involvement. I think there are multiple benefits on it.

Councilmember DeCosta: I did my homework prior to this Resolution. I have spoken to the State personnel, and I do not believe that deferring it will strengthen it. I think Lonnie brings somewhat of an expertise, but I think I am the most expert person here in this room for this matter. For example, the word “flourish” means that if a hunter can go out into the mountains, and come back with a bag limit for their family, so when we look at the pig, the deer, and the goat population—Council Chair Kaneshiro knows this very well—you can go out to the west side of the island and hunt the goats in that area, and they have too many goats, you almost cannot control the amount of numbers, so the State needs to do something on that end. But I have been hunting black tail deer for almost thirty (30) years, and I believe Council Chair Kaneshiro has, and I do not think either of us shot a black tail deer, because the numbers are so low. Management is a key source, and the flourish just means that when they go out hunting, they can bring home something for their families. I am very confident that homework was done on this Resolution.

Councilmember Cowden: I was not meaning to suggest that it was not. I just was saying, I think this important, and it is valuable for us to honor our hunters. The nature conservancy in watershed alliance pays a couple of people to go and make sure to hunt all of them. It is important. It is valuable. If you are happy, I am happy, and then I am just saying, if there is more room that you have future things to create actionable elements, if you are interested in my support, I support you.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? If not, is there any final discussion? Councilmember Kualii.

Councilmember Kualii: I just wanted to thank you, Councilmember DeCosta. I think this is an important Resolution. The way that I grew up, I never thought of hunting as a sport, I thought of it as a way of life. My dad only had a third grade education, and he worked his way up through the plantation to become a tractor operator, but he provided for our family by hunting and fishing and taught everyone in the family, too. I see local sustenance lifestyle as being super important, always has been, and I think it always will be for the local people, so that is why it is important that we protect our environment and the access in every way possible. It is easy to support this Resolution and like Councilmember Cowden, if there was a bill that you thought to work on, I would support that too, as well, I am sure. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I support this, Councilmember DeCosta. Our family also hunted, my dad, my uncle, and everyone. This brings it to the forefront with great positive energy and attention. I think the discussion is healthy and strong in this particular Resolution, so whatever else we can do to continue this is awesome. I want to put my total support behind it.

Council Chair Kaneshiro: Is there anyone else? I am going to say, I support the Resolution. That is true, I have hunted black tail deer for many years, and never ever saw them during season, I never got to shoot a black tail deer. I see them sometimes off-season; they probably know when the season is. I completely agree with managing the game. On certain areas you want to eradicate them on farmland, ranching land—I know on our place, the pigs eat the baby sheep—those are areas where we want to completely eradicate pigs, on farmland, they eat the produce. Luckily, we do not have as big of an issue like Maui or Moloka'i with deer, but axis deer on those islands have almost decimated a lot of the ranching and agriculture. But when you look at Kaua'i, I think we are in a unique situation where we do, there are some areas where conservation is important, where you fence up areas to keep animals out, then on the other hand, there are areas where game animals should be managed for hunters forever, and I completely agree with that strategy. I am in full support of this Resolution.

Councilmember DeCosta: Thank you. Council Chair, I want to close, with the overpopulation of deer on Maui is because they never allowed hunting in certain areas and those areas were closed off, and before they realized the population rose to a level where they cannot manage it. I noticed here on the island, we have about five (5) or six (6) large landowners, and I think only one (1) large landowner has a hunting program that allows a group of hunters to manage the mountains, and that is Grove Farm. I think there are a lot of large landowners who do not allow the public to access the deep *mauka* area and the pigs and goats can get out of control to the point where then eradication comes in and we are not feeding our local families when we eradicate, we are feeding our local families when you let the local hunters go up there to hunt and harvest, and bring the numbers out of the mountains to feed their families—that is the point I am trying to make—proper management where hunters can be successful with harvesting animals. Thank you so much.

Council Chair Kaneshiro: Is there any further discussion? If not, roll call vote.

The motion for adoption of Resolution No. 2022-40 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta,	
	Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Evslin	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Resolution No. 2022-41 – RESOLUTION INVITING THE CITY OF MIMASAKA, OKAYAMA PREFECTURE, JAPAN, TO ENTER INTO A SISTER-CITY RELATIONSHIP WITH THE COUNTY OF KAUAI, STATE OF HAWAII, UNITED STATES OF AMERICA

Councilmember Kualii moved for adoption of Resolution No. 2022-41, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Mayor or Mike, do you want to speak on this item?

There being no objections, the rules were suspended.

Mr. Dahilig: Good morning, Council Chair and Members of the Council. Mike Dahilig, for the record. Pursuant to Hawai'i Revised Statutes (HRS) 46-9, we transmit this Resolution for the Council's consideration to established a sister-city relationship with the City of Mimasaka, from Okayama Prefecture in the Country of Japan. I have transmitted a memorandum and a draft resolution for the Council consideration, but as a few highlights, I know that a lot of people ask, what are sister-cities and why do we have them? Given in this age of augmented and intensifying conflicts between Countries, this program was first conceived and initiated by President Eisenhower back in 1956 who was also a famous Military General during World War II. His idea was that diplomacy would be furthered at a grassroots level, and that all American citizenry has a role to play in furthering peace and preventing war across the globe, and that is where this personal face-to-face and personal person-to-person relationships between the countries was envisioned as part of that overall diplomacy for the United States. Council Chair, I noticed that my camera is not on, is that correct?

Council Chair Kaneshiro: Correct.

Mr. Dahilig: Can you hear me alright?

Council Chair Kaneshiro: We can hear you.

Mr. Dahilig: Okay, here we go. My apologies. The way that this sister-city started and came about was prior to the pandemic where the Koga family introduced our team to the Ogiwara family, where they are long-time stewards of Mimasaka City, and the overall area of Mimasaka, which is in the mountain areas of Japan. It is approximately two (2) hours by car west of Osaka if you are familiar with that area, and it is home to a number of unique things including the Toy and Hall Music Box Contemporary Museum, the Tsuyama Castle which is from the 17<sup>th</sup> Century, a number of onsen, and what would be considered kind of interesting is the steep history in Kendo. Throughout the meetings, the bilateral meetings we have had with officials from Mimasaka, we have come to understand that many of them do practice that art, and many of our citizens here on Kaua'i do practice that art including our own Elton Oshio, who is considered a high ranking Kendo Master. One interesting note, and is kind of similar to surfing, our Kendo Association here throughout the State is considered a separate country from the rest of the United States, so this is an opportunity for Hawai'i Kendo practitioners to be able to compete on an international level without having to compete with the United States cognate, but also that this particular area does hold a significance and that Miyamoto Musashi, who is a renowned Japanese swordsman, was considered a Ronin in the 17<sup>th</sup> Century, so his status as a Kensei has led to this area of being a hub for Kendo

practitioners, and every year they do engage in a number of national and international competitions that draw people to their city for these bouts. Like with any bilateral discussion, these are things that come up in conversation, and as that bond continues to grow, we believe it has been an opportunity to discuss next steps and be able to talk about formalizing an extension of a relationship. Officials from Mimasaka did come down this past July and met with the Mayor and a number of individuals from our team, members of the community, from the business community, as well as the arts community, and I believe they met with a number of you Councilmembers concerning similarities, but also just that extension of friendship that President Eisenhower had envisioned as part of this ongoing process of building grassroots diplomacy at a local level. Under State law, in order to formalize this relationship, it requires a resolution to be adopted by the County Council, reciprocally, our understanding is that it is Mimasaka, their Charter only requires the Mayor to sign off, so that is where any potential agreement that is approved by the Council will be formalized by signature by the executive of the city. I am available if you have any questions and thank you for the opportunity to present this before the Council.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Mike, thank you. I just want to know, I was sister-city learning about the culture, making the connection, hopefully improves high-quality tourism. Also, looking deeper into it; what is the takeaway? Why are we not talking about how they burn trash, so we can solve one of our problems? What about, how do they grow rice on the hills where normally no one else can grow agricultural products? What about looking at their educational process by middle school age these kids are categorized into their strengths, so they become very successful in a skill-based learning environment. I am looking at a deeper takeaway than just going and visiting a sister-city. Let us visit them and then what they are doing right, maybe what they are doing wrong, and how we can bring that back to the forefront to make our County a better place. I guess not really a question, or maybe it is a question; have you thought about those ideas to incorporate when we do these things?

Mr. Dahilig: Yes, absolutely. We agree, Councilmember, that as these relationships start to grow, you find out things that you take away and say, this makes sense for us. All those things that you have mentioned regarding how they handle their trash, or how they handle their agricultural are very salient items where we see opportunity for learning from each other, and that is the key word, is "learning," right? We are learning, not necessarily using or taking, that we are exchanging. We know that the area is at the forefront of a lot of energy types of sustainability measures. Those are things that we hope to learn from each other through a formalized process and be able to share knowledge in that realm. Yes, that is exactly the type of potential that we believe a formalized relationship will help facilitate and we think that by doing so, it opens up those avenues for not only the government, but our community to recognize and say, I am from your sister-city, can we talk? Folks like our tourism industry and our business industry, those open up those opportunities for people beyond just our County government to be able to engage.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When we talk about a formalized relationship, is there some sort of protocol? Is it just fluid for each different sister-city that we have...I think we have a handful, right? What do we do and what do we expect?

Mr. Dahilig: Like anything, ours is governed by State law. That State law is actually prescribing that it is both the Legislative Branch and the Executive Branch of the various Counties across the State to actually pass a resolution. That formulization comes in the form of a letter or a certificate that would be signed by the Council Chair as well as the Mayor of this County, then reciprocally given the laws of Mimasaka City and the laws of Japan, they would simply sign off with the Executive of that particular city. We have to meet the check boxes on both sides of the aisles and that is where we would see then executing it by signature with the Mayor.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, while the rules are still suspended, is there anyone wishing to testify? I know Jerry signed up first, so Jerry, you can testify first.

JERRY ORNELLAS: Good morning, Chair and Members of the Council. You must be wondering why I am here, but I am here to testify in favor of adopting Resolution No. 2022-41. I have not been to Mimasaka, but I have been to Okayama, Prefecture, in which Mimasaka is located. We do quite a bit of business with an adjacent Prefecture, which is Totori, we purchase agricultural equipment from them, so we have had chance to go to Okayama and talk to farmers there, and it is remarkably similar to Kaua'i—it is mountainous, it is beautiful and it is near the ocean. The big difference is that agriculture is an extremely important part of their economy, unlike Kaua'i. We have so much to learn from them. They have an aging farm population like we do. They have problems getting labor, so what they have done is mechanize to a very high degree and that is something that we are going to have to do here on Kaua'i. In July, when the Mayor of Mimasaka was here, along with the Chair of the Council, you might like to hear that Councilmember Chock, because if they send a delegation there, they will have to send our Chair and probably Vice Chair, along with their staff, and because I was the last tour of the day, and frankly, I do not know why they would come thousands of miles to look at a small rice farm here on Kaua'i, but that is what they requested, and that is what they wanted to do. So, because it was the last tour of the day, we had a chance to sit on my patio and have a very lengthy discussion about many things; cultural, the history of the Japanese and Okinawans on this island of Kaua'i, and also agriculture, and this is a relatively routine thing that you folks do, right, to approve these sister-city relationships? But I am talking about something that Councilmember DeCosta alluded to is taking it up to the next level; what can we learn and how can that benefit our County? Not only socially, but economically as well. I would be happy to answer any questions if you have any.

Council Chair Kaneshiro: Are there any questions? Clarifying question, Councilmember Cowden.

Councilmember Cowden: When you saw their rice they grew in that town; was it the terrace rice fields and did you go to any rice farms and learn anything?

Mr. Ornellas: Yes, we visited a number of rice farms and talked about them. The ones we saw were in valleys, remarkably similar to something like Hanalei. You take a bullet train and go through these tunnels, and you end up in Hanalei, then in a blink of an eye, in another town, then another beautiful valley. They do not build anything on the valley floor, the houses are all pushed up against the sides to conserve agricultural land, as well as to avoid flooding. I think there is so much we can learn from them. We are going to have to put agriculture back in its rightful place here on Kaua'i as an economic driver of our economy, and I think these kinds of interactions—I mean, it is great exchanging sports teams, exchanging taiko drummers, and for a hula halau those kinds of things are wonderful, and they go along with towards understanding each other's cultures, but I think we are going to be facing some hard times coming up. It is going to include financial situations that we will find ourselves in, so I think we need to use these kinds of opportunities to try and move our economy forward.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Uncle Jerry, I am a big fan of yours. When I see you, it was almost like you are our agricultural consultant, that when you talk to us, I know I am all ears, and I am listening. Uncle Jerry, I dropped my kid off in Northern California, in Chico, and they have tons of rice fields. They are known as the almond and rice farm. I looked at their geographic area, and their water system, and ditches, and the flooding is like the old plantations. I was thinking it was like Kaua'i. We can match them in environmental temperatures, soil, water; why are we not growing more rice here? I am going to "pick your brain" on this, because you mentioned housing on the mountains, nothing in the valley, and the labor shortage, maybe we need to start looking at how we can incorporate your idea, the houseless, the tiny home, the homeless working in the rice field, maybe, as a laborer with so many hours a day, they qualify to live in this off the grid home, we manage the rice field; can rice be a product again, because we had it before, do you see it here on the island as a product that could possibly be exported, or help our economy?

Mr. Ornellas: Great question. I am growing rice and we are trying to revive the rice industry, but unfortunately, at this point, I grow specialty rice, which is rice that is probably not going to feed the "rubber slipper" folks at this point, unless we can really mechanize it, and really increase our production. Interesting point you bring up about California, I was recently there at a rice field day in Biggs, California which is in Sacramento delta, and they have reduced their rice plantings this year by fifty percent (50%). They normally plant five hundred thousand (500,000) acres of rice in that area, and this year, they are planting two hundred fifty thousand (250,000) acres of rice, because they simply do not have enough water. As resources get tight and as transportation costs increase, I think we

may have, in the future, there may be some benefit for us to ramp up our local production, along incidentally with our export production, as well.

Council Chair Kaneshiro: Are there any further clarifying questions? If not, thank you, Jerry for your testimony.

Mr. Ornellas: Thank you.

Council Chair Kaneshiro: Next up, Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. I have the opposite take on this. This County is flush with money right now from COVID-19, and that money is disappearing and will disappear. I do not believe that the Federal government is going to keep giving us tens of millions of dollars a year into the future. I also see that the County has an extremely difficult problem learning from our past experiences, so to answer your question, I do not know what a rice combine costs, but if you wanted to grow wheat here, and you wanted to grow wheat in such a way that you could maximize the use of machinery and minimize the use of human labor, you would end up buying a combine from John Deere. What does a wheat combine cost? Eight hundred thousand dollars (\$800,000), a million dollars (\$1,000,000) by the time you get all of the insurance policies, and all of that. If you want to grow rice as a wheat, or barley as a commodity, you are looking at major production, you are not going to out produce California and Louisiana, two (2) of the largest rice producers in the world by having a little quarter acre plots that are farmed by hand—it is the economics of the world. It is why rice is not grown in Hawai'i today. Right now, the biggest problem agriculture has in Hawai'i is all of the policies created by both the Council and the Administration are pro-tourism. Tourism is our nature industry, everything you do promotes tourism, and tourism's enemy is agriculture. Tourism does not want to compete for housing, they do not want to compete for labor, and they do not want to compete for people who have the strong entrepreneurial spirit and skills required to be a farmer. You can go to all the sister-cities you want, I just laugh, you tell me, let us spend one hundred thousand dollars (\$100,000) to go to Japan to some place that we know nothing about, on the assumption that they know better than we do on how to handle their trash. Whereas, we know what the problem with our trash is, we do not do anything about it, we do not have roadside collection for recyclables, so we keep filling our landfill with things that does not need to be there. We do not need to go to Japan to figure out our problems.

Council Chair Kaneshiro: That is your first three (3) minutes. Is there anyone else wishing to speak on this item?

Mr. Sykos: Good. For my second three (3) minutes, I will reiterate what I just said. You do not learn from your past mistakes, you do not learn from past experience, and it does not make any sense to spend...okay, to Mike, what is the budget for this? How much is this going to cost us over the next ten (10) years to have this sister-city relationship? Then, all of our sister-cities, which I think is in the forties. How many sister-cities do we have and how much does it cost us every year to be involved in the sister-city programs? How many hundreds of thousands of dollars do we spend every year flying to these places and what benefit does the public



get, because right now there is no benefit that I can see the public is ever gotten from a sister-city program other than you folks get the public to pay for your vacation to go get wine and dine in foreign countries—spend the money here. We have homeless, we have children that are hungry, why are you taking our money and going on vacation in Japan? That is what this is all set up about. You are going to do this sister-city, and then the Mayor and his directors, and a bunch of you folks and your wives are all going to fly to Japan and have a big party while we have hungry kids and people with no houses, so this is a moral question for you folks, which is more important? Say to yourselves, you can go to Japan and drink sake, and fancy whatever, or spend the money here on the people that need it locally. Quite frankly, when the members of my County government spend my money and go overseas and create personal relationships, I get screwed, I get nothing, it is a waste of my tax money, and if all the people out there watching this, if you know hungry kids, if you know hungry people, if your family and friends are homeless, call these folks up and thank them for creating another sister-city, which is just another hole to throw our money into—it is a moral problem here.

*(Councilmember Evslin was noted as present.)*

Council Chair Kaneshiro: Is there any clarifying questions?

Councilmember DeCosta: Lonnie, I have a clarifying question since you brought up the homeless and the hunger.

Mr. Sykos: Yes, sir.

Councilmember DeCosta: When was the last time you helped a homeless person or feed a homeless person?

Mr. Sykos: I cannot believe you just asked me that. Ask Councilmember Cowden, when was the last time I helped a homeless person. I took a homeless person off the street in the dark home...

Council Chair Kaneshiro: Lonnie, you do not need to yell.

Mr. Sykos: ...within the week.

Councilmember DeCosta: That is all I am asking.

Mr. Sykos: In the last week, a person that I have never seen before in my life, walked up to us on the side of the road in the dark, and I took this woman home, put her in my spare bedroom, and sent her on her way with clothes and toothbrushes and all of that the next day. Me, there is scarcely a day goes by that I am not involved in some way trying to make life better for the people that I run into, as well as my friends with complete strangers, it makes no difference.

Councilmember DeCosta: I want to thank you personally. Thank you for doing that, Lonnie. That is all I wanted to know, so I could thank you, you did not need to raise your voice.

Mr. Sykos: I apologize for raising my voice. This is a very big moral issue to me, how we treat the least amongst us.

Council Chair Kaneshiro: Bruce.

BRUCE HART: For the record, Bruce Hart. One of the questions I have is that I have always been given to understand that there is a problem with rice growing—the birds, so I do not know about it, but there is also something else that I bring up is, several years ago, there was a gentleman that convinced the State of Hawai'i that water buffalo used to be used in cultivation many years ago, and he convinced them to allow water buffalo to be imported back into the Hawaiian Islands, and I am telling you, I would like to have one (1) of them. I would like to have a water buffalo, so I just thought I would get up and remind us that there are a lot of ways to farm, and farming is a wonderful occupation. It builds communities and it builds character. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else? If not, is there anyone on Zoom? I have a question for Mike. I know Lonnie brought up hundred of thousands of dollars in travel, I know that is not true. Mike, how much do we spend on sister-city relationships? How much do we have budgeted for sister-city relationships this year?

Mr. Dahilig: It is a good question, Council Chair. Currently, right now in the County budget that was presented to the Council there is a total of five thousand dollars (\$5,000) that is appropriated for sister-city relations, so that is the money that we utilize based off of what is specifically appropriated for that type of activity.

Council Chair Kaneshiro: Are we obligated to pay any money to any sister-city relationship every year?

Mr. Dahilig: One more time, Council Chair.

Council Chair Kaneshiro: Are we obligated to pay any money to any sister-city relationship each year?

Mr. Dahilig: No, we are not obligated to do so.

Council Chair Kaneshiro: Okay. Councilmember Cowden.

Councilmember Cowden: That was the question, it was not about whether we made certificates or proclamations and put them on the walls, when I asked about what we did; I was trying to give you the opportunity to say that maybe we exchange documents, or we send a gift, or if we have a reason to go, because it is not typical that we necessarily go visit a city, we could...how many cities do we have?

Mr. Dahilig: Approximately a dozen from what I understand. I have to get the exact amount across the County. We do have cities in the Philippines, England, Tahiti, and Japan has a number also.

Councilmember Cowden: Okay, but it is not typical that we go visit frequently at all.

Mr. Dahilig: It is when the opportunity arises, but from what I recall, the Mayor has only gone once, and that was actually, I forgot what city they were, but it was within existing cities that were in Japan, including one in Okinawa.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members.

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

Council Chair Kaneshiro: Is there any final discussion from the Members? I will go first. I am in total support of this sister-city relationship. I am not necessarily in agreement with Lonnie on the cost and this end of the world type of scenario with this sister-city relationship. I think it does provide a lot of sharing of resources and it is not always us visiting. I remember the sister-city from Tahiti came here and I do not think any of us have ever visited them. They brought a whole delegation of kids down. I know they had to fundraise really hard to come here, and experience what Kaua'i was like and I think it was a great experience for them. We did receive a bunch of testimony in support of this Resolution. I had the opportunity to meet and I believe that a lot of us had the opportunity to meet with the delegation when they were down, that included Mayor Hagiwara, Council Chair Suzuki, who now I know, we should not mess with, because she is also a master in Kendo. Mr. Haruna who is their city planning and promotion, and Mr. Tsunazawa who is their city liaison—they came here with open hearts, open minds—Art Umeza and Nalani brought them all over—they had a jam-packed day of going all over experiencing all of the opportunities Kaua'i had to offer. I know they were here during the bon dance. I believe Dennis Fujimoto took a picture of the Council Chair Suzuki dancing in it. They really embraced themselves in Hawai'i. For me, it is a no-brainer to support this Resolution. I do see the opportunities in these types of relationships. There is always knowledge sharing like Jerry said, when it comes to agriculture, I do not think Japan is doing commodity type of agriculture, they do high quality agriculture, and that is something we should learn here—they produce high quality rice, fruits and vegetables, and beef, and those are things that we should try and “pick their mind” to see if we can do something like that. I would love for Kaua'i to be the highest producer of high quality beef in the world and not Japan, but obviously they spend years on genetics and how to manage their cattle, how to care of them. I do not think we can compete with wagyu yet, but I would love for Kaua'i to be a competitor to wagyu beef. Again, the Okinawa visit, I know former Councilmember Ross Kagawa went to Okinawa. Okinawa is an island, I asked Ross, how they deal with their trash there, and he said they burn it. I thought that is great. But he said, the system that they use, we cannot use here in Hawai'i because we have stricter EPA regulations, so that was something that was interesting to learn when Ross went to visit and he asked. Although we are going to the different countries to

try and find solutions, we are not always dealing with the same cards also. EPA is a lot stricter here, we are not able to take the system they have and use it here, but there is a lot of cultural sharing, knowledge on agriculture, and just government process and solutions, and I am in total support of this Resolution. Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. I am also supportive of this Resolution. To say that we do not have anything to learn from the outside is very shortsighted. I think there is a lot to be learned. I also think to say that we know it all, and we need to focus on and figure it out ourselves here is also shortsighted. Sure, to the claim that maybe we should be managing some of the travel funds appropriately, I am not sure, I have never gone on a sister-city trip. I once met with the Mayor of Moriyama on my own and was able to have an exchange where I learned a lot about their agriculture, and also subsequently, I set up relationships with our Rotary Clubs in order for exchange students to visit, stay with families here and vice versa. They also were very active in supporting some of our own farmers. I know Yosh from 'Aina Ho'okupu O Kilauea (AHK) learned significant amounts from that relationship with that sister-city. I am supportive. I think meeting Mayor Hagiwara was not only a good connection, but I look forward to how it is we can continue to learn from each other and support each other. This does not cost us anything, honestly, it only empowers us more. Thank you.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: I waited a long time to actually say this. I waited to see, both my Chair and Vice Chair close, and I am going to tell you two (2) folks, we are really going to miss you next term, you folks are grounded, educated, and the ones who make the most *akamai* closes, and I am floored. I want to say, when Tahiti came, I had the kids in Kōke'e for five (5) days, and what is so amazing is all they wanted to do was fish. I was not by the ocean, I was by the river, so I had to call DLNR and ask permission to fish in the stream in Kōke'e, and they asked what are you going to fish, and they thought there was trout, and I said there is no trout, the trout is in the reservoir. Trout breeds in the stream, because the water is cold enough, and we caught close to two (2) dozen—I hope I am not going to incriminate myself—maybe six (6) inches, and they fry it the same way we cook our hurricane fish. What is the little red one that we catch off the pier?

Councilmember Kualii:

*Āweoweo.*

Councilmember DeCosta: They fry it the same way and the kids were eating it like potato chips, and I said, that is the same thing our local kids do, and it is amazing to cross those paths. I think we learn a lot from the different people that we meet. I will speak on behalf of all seven (7) of you, that we have had many trips these past two (2) years that we went on one (1), the Alaska trip, I think only three (3) of you went. The Colorado trip, I think only three (3) of you went, so we do not all use the County money to take trips. We selectively say, who can go, who cannot go, Councilmember Evslin has children and could not go, but I tell you what, when we went to Hawai'i Island for NACo, we learned a lot from our sister-counties there. For the record, I want to tell the people watching, Kaua'i has the closest

Councilmembers and the staff is the most competent, and I think Kauaʻi is at the forefront of every other county except maybe the Director of Finance, I think Reiko is tied with Scott and Maui, but besides that, I just wanted to throw that out there. We represent well on Kauaʻi. Thank you.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: I would just like to say how important the sister-city program is having been involved in so many different ways, from Japan to Philippines to Portugal, and the importance of the relationship, and the common connection, because in the old plantation days was the Japanese, Filipino, Portuguese—that all tied into the cultural/agricultural part, so when you visit, you bring all of that with you, and you bring that back with you. The intention of connecting and developing strong relationships through the sister-city program, I believe is totally important, we have learned so much whether it be our cultural *hula* and in Japan *hula* is all over the place, and that is another connection there, and they come back and forth. There is the tourism part, there is the educational part, there is an opportunity for internships for the young students of Japan who come to Kauaʻi, and students from Kauaʻi going to Japan—all of that was part of the discussion and opportunities that come about when you go and travel as a team, and the intention is not to go and spend money, it is to come back with a strong relationship, and I truly believe with the sister-city relationship, we can show documents of how much things has happened and continue to happen. I totally support this of course and hopefully more opportunities will come, and we share in the educational component of it—the families, the youth, the *kūpuna*, everyone has an opportunity whether you go or not, because you bring that back and share that experience with the people of Kauaʻi. I am totally supportive of this opportunity for us.

Council Chair Kaneshiro:

Councilmember Kualīʻi.

Councilmember Kualīʻi: I totally support and echo all the comments of Councilmember Carvalho. Earlier, phrases such as grassroots diplomacy, extension of friendship, and learning from each other—I think that is the most important thing—the exchange. Also, I want to say *mahalo nui loa* to everyone who submitted such great, thoughtful, and detailed testimony in support. I will just share a couple of things from Kurt Ozaki, “Long lasting relationships that fosters opportunities towards cultural exchange, commerce, sports, and arts.” From Pearl Shimizu, the President of the Kauaʻi Japanese Cultural Society, “Learning history, traditions, and culture of the Prefecture that connect our community would be such an enriching experience for our citizens and their citizens.” The Executive Director of the Kauaʻi Economic Development Board, “We can reimagine the ways in which we work together, especially with regard to the manner in which we build opportunities for both the people of Mimasaka and Kauaʻi.” The last one from the Chamber of Commerce Mark Perriello, “Fosters and strengthens personal connections, promotes our Hawaiian culture in Japan, creates business opportunities for some of Kauaʻi’s top manufacturers and food producers, and encourages an appreciation and understanding of our two (2) communities distinct cultures and common heritage.” I am very proud and happy to support this Resolution.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I also am supporting this Resolution. I just want to speak to the value of cultural exchanges, they build wisdom in the communities, in making policy choices, in understanding that there are many ways to approach things, and it becomes launching points for community based elements like you were talking about—the Tahitian kids coming, or our East Kauaʻi Lions Club—we are going to be receiving our sister-club from Japan, Rotary...as everyone comes back and forth, certainly works a long way towards keeping peace and good understanding in the world, but it also is a launching point for economic strengthening. For our businesses, I know when I was part of the Hawaiʻi Tropical Fruit Growers, really pushing towards exporting our avocados over to Japan. We have a number of tropical fruits that are desired there. Some of our things have value for other parts of the world like in the opposite side in the southern hemisphere. This is a municipal diplomacy is huge in creating opportunities with so many different levels, it is almost too hard to quantify. I do want to acknowledge from the outside, if one does not understand the process, it might look very frustrating that there is a tremendous amount of money being spent. To my knowledge, there is not very much at all that has gone on in the four (4) years that I have been in office. I did not travel at all for these conferences in the two (2) years of COVID-19. Having done it before and took a two-year break and had done it a few times after. Tremendous amount of growth that happens, and you just really cannot match it if you do not go and experience contributing funding and idea sources. Mimasaka City, I really enjoyed meeting them when they were here and going to the bon dance with together, and just the *aloha* that was here. They did not seem like they wanted anything. They just wanted the warmth and the relationship and warmth and relationships do not really cost anything.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: Just to add one more thing. I remember during troubling times, because you have a strong relationship during a disaster situation, they would call to help and see what kind of support that they can give us, so that kind of relationship is very important, because of the resources that are available when you create these relationships from abroad, then the cultural connection, again. I just wanted to mention that other part, too.

Council Chair Kaneshiro:

Councilmember Evslin.

Councilmember Evslin: This is easy for me to support as well. I do not want to repeat what everyone has said already, but I will repeat some of it. As Councilmember Kualīʻi said, the opportunity for cultural exchange, agricultural exchange, and business opportunities it tremendous. As Councilmember DeCosta, Councilmember Cowden, and Councilmember Carvalho were talking about just the value of making these connections. I have never traveled to a sister-city, I do not know if I will, but when we go to conferences, I feel that we meet people that other communities were all grappling with very similar problems, and sometimes we get stuck a bit in a U.S. centered view, we are looking for solutions in what other places around the country have done, because that is what we have access to, but when we

have access potentially through these types of relationships to be able to call or E-mail someone internationally and talk about their problems that they are facing and how they are solving it, I think that there is tremendous value there. Having just returned from Hawai'i State Association of Counties (HSAC) it is fresh in all our minds that the value of connections that we all make in these places. I have met three (3) people that I now have in my phone contact list. Planning Directors on other islands, other elected officials, I can call them up and find out how they are dealing with these types of problems. I support this sister-city Resolution.

Council Chair Kaneshiro: With that, roll call vote.

The motion for adoption of Resolution No. 2022-41 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

#### BILLS FOR SECOND READING:

Bill No. 2878 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*County of Kauai Planning Department, Applicant*) (ZA-2022-8)

Councilmember Kualii moved to approve Bill No. 2878 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions on this item from the Members? It is basically putting it in accordance with the Additional Dwelling Units (ADU).

Councilmember Cowden: No.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Is there anyone on Zoom?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Are there any final questions or discussion from the Members? If not, roll call vote.

The motion to approve Bill No. 2878 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualī'i, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Bill No. 2879, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONSTRAINT DISTRICT(S) (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-12)

Councilmember Kualī'i moved to approve Bill No. 2879, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this? Is there anyone else in the audience wishing to testify? Is there anyone on Zoom?

There being no one present to provide testimony, the meeting proceeded as follows:

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you for being willing to be on the forefront, a groundbreaker, in this change. We have a good letter from Chip Fletcher, again, today, that was meaningful on how important this is. He emphasized with high confidence in the long-term the sea-level is committed to rise for centuries to millennia—that is intense. First of all, I do want to say thank you. I did not get any kickback on this; it seems significant when we do a constraint district, and we do an overlay. I have only heard good things. I just want to ask, what is anyone going to be unhappy about? I just want to make sure that we reveal that, because it seems like a big step, it will have impacts, but it is meant to have impacts; what am I not seeing that someone might be concerned about?

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Planning Director (*via remote technology*): Thank you, Councilmember Cowden. Ka'āina Hull on behalf of the Planning Department. Concerning the Bill, we have been working for the past two (2) years. As I have presented in Committee, it is a relatively simple approach, it is just saying, here is where the elevation is going to be with sea-level rise, the depths are going to be, so elevate accordingly. The reason it took so long is that municipalities and nationwide,



has not been able to “thread the needle” of how you use modeling as opposed to historical data to draft and spin-up regulations, so from a philosophical standpoint, I could see that there are objections from individuals that do not believe climate change is happening, so we may get hit with that, but all the signs, all the trends, and everything we are seeing is universal, indeed climate change is not going to happen, it is happening right now. As far as the elevation requirement, it really is on a case-by-case situation where in some scenarios elevating a structure could be somewhat more expensive than building it on slab-on-grade, and in some scenarios, slab-on-grade is going to be a little bit more expensive than elevating a structure. It could be case-by-case in which you will have a situation in where a property owner may object. We have established relief valves within the ordinance itself, should there be particular issues with the modeling that an individual can obtain an additional study to demonstrate why the impact may not be subject to that particular property, and therefore they do not need to elevate, so we have created that relief valve for property owners. But I guess that is where you could see some objections, Councilmember.

Councilmember Cowden: Okay.

Mr. Hull: But like I said, we spent the past two (2) years, quite honestly, working not just with individuals like Dr. Fletcher and his team who spun these studies up that we worked off of, but also working with land use attorneys and engineers who have been very skeptical and very hesitant in the usage of model data for a regulatory framework. We worked with the onset of the flexible data, and said you absolutely cannot use this for a regulatory paradigm, and in working with them, and then working through how we might be able to use the data to come up with a regulatory paradigm and coming to a consensus with those that were generally in a camp that this status should not be used for regulatory purposes. I think that kind of helps smooth the possible friction or strong objections that are quite honestly happening on some of the other islands on the use of this data.

Councilmember Cowden: Okay. This is like a giant disclosure statement with a great tool online.

Mr. Hull: Sorry, you are muted, Councilmember.

Councilmember Cowden: This is like an islandwide disclosure statement with tools online where people can see the potential of where the flooding is, so at least people are warned. When we saw our profound flooding in 2018 and people who had built on one (1) inch of grass on the beach, you think they should have known to not built there—it is crazy that building like that happened. What I like about this is they are warned—be careful, this is a problem, and I am correct on that, right? I feel good on that.

Mr. Hull: Absolutely, Councilmember. I think Kaua‘i and its recent hazard and flood events makes us particularly acutely aware of hazards and their impacts on our built environment. I would just somewhat as a cautionary measure say that this modeling and this regulatory framework is based off of sea-level rise, and sea-level rise is happening, it is projected to increase overtime, and

we need to take it into account for our built environment and future construction plans. Having said that, the modeling is on sea-level rise it is not on storm and precipitation events. While sea-level rise will happen within our lifetime, the most damaging and impactful events that will happen within our lifetime from climate change are going to come from the precipitation events, so it is high flood situations that happened in 2018. To be frank, the data that is used to create that regulatory framework, the flood ordinance as we know it, is still based off of historical data. It still has not addressed the "big elephant" in the room, that the climate change is increasing the intensity and frequency of precipitation events, and those flood waters are going to be higher than what were projected off of the Flood Insurance Rate Map (FIRM), but taking a step in this direction and begin saying, does that analysis need to be lent to the FIRM maps as well, and those historical flood maps.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Hi, Ka'āina. I am very intrigued with all of your knowledge and you being at the forefront of this climate change and sea-level rise. I know I had some questions the last time, and you put me at ease. I just had one (1) question for you, I am still a little bit worried about our...and I do not want to use the word local residents, but the residents on the north shore that have been there for decades, generations of families, as a builder myself, I know slab-on-grade is way cheaper than putting in footings that need to structurally hold up a home. Do we have anything in place for those families that may not have the funding to build that type of housing foundation to accommodate their dwelling if something happens to their property? Is the County going to support them somehow? I would hate to see them not have a home to live in if sea-level rise affects their home, or if they are looking to build, but now they cannot. I am just looking at how we can support those families that do not have the budget like some of the other families have to do what we are going to mandate them to do.

Mr. Hull: Councilmember, in our analysis with contractors, draftsmen, and architects, the cost of slab-on-grade versus post on pier varies on the development. We could not console, we could not categorically say one (1) is cheaper than the other. In some scenarios, post on pier is going to be cheaper than slab-on-grade, and in some scenarios, slab-on-grade is going to be cheaper, so it depends on the scenario. Secondly, yes, let us help the local families build by all means, but to what end, if we know within the lifespan of that structure it is going to be under water. That does not help them out, because quite honestly, the areas that are being projected outside of the FIRM maps, if they are in the FIRM maps and the base flood on elevations by the flood ordinance, they are going to be subjected to the FIRM insurance program, and they are not going to get the full funding for their house when it gets wiped out, they will get partial funds for that house. Those will get wiped out and they are still going to have to pay for a lot more to replace that house, so make no mistakes, there are parts of the sea-level rise constraint district that are outside of the FIRM maps, so when a flood wipes it out, that family is not going to get any insurance money to rebuild. We are not talking about Hanalei twenty (20) or twenty-five (25) feet in the air, we are talking three (3),

four (4), or maybe five (5) feet in the air, they are not massive elevations at all. On top of which, there is a discussion of the landfill in the earlier section; you might argue to let them build there, they can get knocked down, it is their own choice—it is the community's choice when the flood takes that down and we have to start putting it into our landfill. I am saying, let us plan ahead. We know these waters are coming from a local family perspective, from the cost of the house, and the cost it will have on our landfill, let us plan accordingly, and have them elevate a nominal amount just for sea-level rise.

Councilmember DeCosta: Thank you for that clarification. Do not get me wrong, I totally support your mindset and where you are going at the forefront, but I want to make sure we address those local families, generational families, that might not have the funding to do what we want. Let me tell you something about post on pier, you are talking about a sand area in Wainiha, flood waters can easily wash post on pier away. So, usually you need to go foundationally into the sand four (4) feet by four (4) feet by five (5) feet footings to actually hold up that dwelling. Thank you for clarifying. I just wanted to make sure we are looking at all of our families across Kaua'i. Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? I had one more question. Once this becomes effective, do you know if anyone is going to be affected right now as far as trying to get their permits, because this is affective as soon as it is signed?

Mr. Hull: As soon as it is signed, correct.

Council Chair Kaneshiro: Okay. Councilmember Evslin.

Councilmember Evslin: Sorry, just a follow-up on Chair's question. Someone who has submitted a permit application and said they do not have the freeboard built in there because they did not know this was coming, then would they be subject to redesigning their structure possibly to go higher, potentially to comply?

Mr. Hull: If they submitted a zoning permit application, they would not be subject to this.

Councilmember Evslin: Okay. Sorry, so they have submitted, but they do not have the permit, they are not subjected?

Mr. Hull: Correct. As long as they are "in the pipe." It is the way we have entertained other...the county attorney's opinion has always been, when we have entertained other changes and policies insofar as a landowner has a zoning permit application and has been deemed accepted, not necessarily approved, but has been accepted by the Planning Department that the previous standard applies.

Councilmember Evslin: Could you speak a little to the potential administrative burden on your office; what will it take for you folks to administer it?

I know you have done a lot of legwork already in setting up the online viewer, but as far as permit review goes, will it add time, et cetera?

Mr. Hull: It should not add that much time. Quite honestly, the vast majority of the proposed sea-level rise constraint district is already within the flood districts reviewed and assessed by the Engineering Division—there is only a small portion outside, so we do not anticipate a substantial amount of work where say would necessitate another position. In fact, in discussing this proposal with the Floodplain Manager, and we have been working with him ad nauseam, sea engineering, and all these other folks—the Floodplain Manager is actually made commitments to say some of the reviews his staff will do because it aligns with work they are already doing, and the fact that this proposal may help in addition in seeking—I am not saying it will, but what he is looking at is possibly helping seek additional reductions in the flood insurance program for Kauaʻi.

Councilmember Evslin: Okay, thank you.

Mr. Hull: I am not saying reductions, I mean reductions in costs to insurance.

Council Chair Kaneshiro: Are there any other questions from the Members? Is there anyone in the audience wishing to testify? Mauna Kea, I have you signed up.

MAUNA KEA TRASK: Aloha, Chair and Councilmembers. For the record, Mauna Kea Trask. First, I would like to commend the Planning Department, Councilmember Chock, and you for trying to do something about this. It is coming. No one really knows what to do, but managed retreat is a concern. How we are up to this point, I think Kauaʻi is the only County that has tried to manage our retreat. If you recall the house that fell into the water at Sunset Beach was not retreated or managed well. Today, I have clients who live in this zone and will be affected by it, and the ones that pay me do not care. They can afford it, it is not going to be a problem. I think there is a question upon cesspool conversion. As you know, everything has to be upgraded from cesspool to septic. It is difficult, especially in Hāʻena, conservation districts, those areas have never been sewered, because they are too far away, and in order to put in a compliant septic tank now, you have to actually get a variance from the Department of Health, which is not a permit entitlement, you have to renew every five (5) years. Again, a lot of people that are moving in, they do not care, they will keep paying, it is okay. I am here today to express concern for those who cannot, the ones who do not pay me, that ask my advice on things. I still know people in Wainiha who have not rebuilt their house since 2018, they had to forego actual rebuild for remodeling, it was the only thing they could afford. Currently, there is a large administrative burden on Planning. I think they need more resources to do timely review, it is not a criticism on them, it is a lot to do. Recently, the Legislature in 2021 took away the first house exemption on Special Management Area (SMA) permits, now they have to review everything—that is a large administrative burden. Additionally, I have preliminary reviews pending for eight (8) months—that is not a criticism on Planning, it is just a fact of a lot of the regulation of regulatory speed on Kauaʻi. The Bill is broad, I am not speaking on

behalf of, but I am a board member of Malama Huleia. We are concerned about how broad it is, if it affects the fishpond wall, other types of traditional Hawaiian customary structures that can be built with little to no permitting as appropriate. Anyway, I just want to...a lot of people do not know about this, and I think more public outreach and understanding would be good, and I think there are necessary amendments as appropriate and as you can legally do to allow for local people and long-time residents, not suspect class, but appropriate accommodation for people so they can stay in these zones. Once they lose these lands, that is the last one they have, they got it from their grandparents, great-grandparents, they cannot afford another house, or they cannot afford another property.

Council Chair Kaneshiro: That is your first three (3) minutes. I do not see anyone else in the audience, so you can have your last three (3) minutes.

Mr. Trask: In closing, I am not against climate change regulation, I think it is important, it is necessary, but historically speaking, from precontact up until now, eighty percent (80%) to ninety percent (90%) of the island is within this zone. I do not own *makai*, a lot of people do not own *makai*, I do not think any of you own *makai*, but there are a few people who still do, and there are traditional customary resources, a lot of things in that area that could be affected, but not necessarily should be by this regulation. Thank you.

Council Chair Kaneshiro: Clarifying question, Councilmember Cowden, then Councilmember DeCosta.

Councilmember Cowden: I have a clarifying question. When you are talking about Malama Huleia and the walls of the fishpond, I did not see how this affected that, can you help me understand? My understanding was when you have a home, you do not have to change it unless you have damage, then you have to change it, but a historic feature like a fishpond; how is this covered by that?

Mr. Trask: It is structure, it applies to structure, and structures are defined very broadly in the ordinance. I did not see any exclusion or exemption for Hawaiian *hale*, canoe *hale*, or fishpond walls. For example, SMA rules have an exemption for aquaculture, that is obviously applicable to fishponds—I did not see anything similar to this. If I am wrong, I apologize, but it was not apparent, and I think it should be.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I had a clarifying question for Mauna Kea and for Kaʻāina. I was a little bit worried when Mauna Kea brought up that some of these lands that are next to the ocean may not be able to afford. My clarifying question is that he made a point that we are not going to mandate that they have to come up on that height, it is going to be up to them if they do it, or are we going to mandate it? I am not sure where we are with this; are we mandating after we get this Bill?

Council Chair Kaneshiro: That would be a question for Ka‘āina .

Councilmember DeCosta: But he made that point.

Council Chair Kaneshiro: Who are you asking? Mauna Kea?

Councilmember DeCosta: What was your point? Then, I can address Ka‘āina. What was your point when you said some of the long-time local families will be affected because they own property *makai* and we do not—I remember him saying that, so how would this affect their property?

Mr. Trask: Like Ka‘āina said, my understanding of the Bill is that it is really similar to the current flood ordinance. So if you have damage to your house in this case, and the work you are going to do the repairs, if it is more than fifty percent (50%) of the value of the house, then you have to comply with the new rules, just like flood to elevate whether it is three (3) feet or five (5) feet. Some of these zones, the elevation feet is twenty-five (25) feet or thirty (30) feet. The homes that were damaged in Wainiha, those people cannot afford the lift, so they are foregoing rebuilding their house for remodels under fifty percent (50%), and that is not necessarily the best thing for their family for their health, mold or whatever, but they cannot afford it, that is the only place they are going to go. That is my understanding, it is like a non-conforming thing, but as the structure gets damaged, you need to bring it up to code, which is appropriate.

Councilmember DeCosta: Okay, so my clarifying question would now be towards Ka‘āina since I understand it.

Council Chair Kaneshiro: Let us ask Ka‘āina this question after. I think there might be more clarifying questions for Mauna Kea.

Councilmember DeCosta: Let me write my question down.

Council Chair Kaneshiro: Are there any further clarifying questions for Mauna Kea? Councilmember Evslin.

Councilmember Evslin: Thank you, Mauna Kea. The definition of structure in here says, for the purpose of sea-level rise district structure means a walled in roof building and includes, et cetera, but it says walled or roofed.

Mr. Trask: Let me pull it up. Can I have a copy of it?

Councilmember Evslin: I guess the question is, you had said that the definition seemed overly broad; do you have suggestions to tighten that up or from my read of that, there is no way that could be interpreted a fishpond wall or even a traditional *hale* with open walls?

Mr. Trask: That is true. I apologize, so walled and roofed would not apply to that, but my previous comments regarding gas or liquid storage tanks; can you still do those underground? Is that okay?

Councilmember Evslin: We can ask.

Council Chair Kaneshiro: I think I know the answer, but we will ask Ka‘āina .

Mr. Trask: Again, in these areas you cannot construct on top of fill, that is not right, but I appreciate that.

Council Chair Kaneshiro: That would probably be a storage unit, which I believe they said you can build on the ground.

Mr. Trask: But can you put underground for septic or cesspool? Can you do that above ground?

Council Chair Kaneshiro: I am not sure about what storage you are talking about. Are there any further clarifying questions? If not, is there anyone on Zoom? Councilmember DeCosta, what is your question for Ka‘āina?

Councilmember DeCosta: Ka‘āina?

Mr. Hull: Thank you, Councilmember, I am here.

Councilmember DeCosta: Thank you. I want to be set at ease. I am going to ask you, moving forward if we have a property on the north side or west side of the island next to the beach, will we have in place an ordinance that now they will have to build on post and pier or hallow block tile foundations to accommodate a sea-level rise depending on the area it will be in foot increments, whether it is a two-foot raise or a three-foot raise; is that what they have to comply to? Am I correct?

Mr. Hull: Partially. When you are talking about lands immediately abutting the shoreline, those lands are within what is called the tsunami flood zone, and those heights per the existing flood ordinance are insanely high, they are from eight (8) to thirty (30) feet, they are massive, and that is what the previous testifying was speaking about. Make no mistake, this Bill is not elevating structures above the tsunami zone. Any tsunami that is going to hit this island is going to be so much further and higher than the depth of what is the slow creep of sea-level rise over the next fifty (50) to sixty (60) years. The highest coastal area abutting properties that we are looking at from higher level grounds that are immediately abutting the coastline are five (5) or six (6) feet, and that is going to be lower than the tsunami zone. The vast majority of the Bill is going to affect those properties that are not directly on the shoreline, but those that are a little bit more *mauka* that are near irrigation ways or areas that the water is going to continue to spill with sea-level rise flooding. Again, those inland areas are a bit more like two (2) or three (3) feet, so you are going to have to have only four (4) or five (5) feet; they are not as high—I just want to be clear on that. Lastly, I am not sure what the statement was that seventy percent (70%) or eighty percent (80%) of the island is in this zone—that is absolutely not correct. We are talking roughly maybe three percent (3%) or four percent (4%), and the vast majority of the three percent (3%) or four percent (4%) is

actually already in the base flood elevation area that has higher elevations than what this Bill will require.

Councilmember DeCosta: Thank you for that clarification. I believe the people watching now have a better perception of this, so thank you for explaining that.

Mr. Hull: Thank you, Councilmember.

Council Chair Kaneshiro: Councilmember Cowden, then Councilmember Evslin.

Councilmember Cowden: I have a follow-up that is probably a simple answer. The north shore has been elevated since Hurricane 'Iniki. Everyone who did not get blown away, literally, was able to leave their house intact, but everyone else is up high. A lot of it looks like daddy long-legs out in Hā'ena. I would think most of Hanalei and Hā'ena are already built up, most of it, except for some of those new houses that got damaged; I was surprised they were allowed to rebuild the way they were, but this would change that—so we are changing something. But Hurricane 'Iniki levels made everyone be very high already, right?

Mr. Hull: For the most part, there are only few parts of Hanalei towards the northern end or towards the Wainiha end that are not technically in the tsunami zone, and not necessarily on the coastline, but further up, some of those waterways in which they may have to elevate a few extra feet.

Councilmember Cowden: Okay.

Mr. Hull: But all those elevations you see—the ones that you standardly see, particularly when you get into Wainiha side where they are way up, they are up about twenty (20) feet in the air. There is an argument to say they should be elevating more given the impacts and increased intensity and frequency of storm events that is coming with climate change, but that is not part of this Bill. These elevations are for just sea-level rise and that is the highest coming in at six (6) feet, so the only areas being affected outside of those tsunami zones that are not necessarily directly along the coastline.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Ka'āina, regarding the definition of structure, I think as I understood what Mauna Kea was getting at was the part that says, "...and includes gas or liquid storage tanks that are principally above ground." That would not mean a below ground septic system, right?

Mr. Hull: It would not. Standard practice is when you see the type of hazard that is going to be impacted, it is good to put the property owner on notice. If it is a highway run up hazard, that is a wave that is moving over the top



of the land and is eventually going to either be absorbed in the ground or flow off. A subsurface septic system can accommodate up to a certain degree, but when you are talking about passive flooding where the level of the ocean is coming up, high tides are coming up, possibly ground water is coming up, it is good to put the applicant or landowner on notice saying, "You are subject to passive flooding that could push that septic system up and significantly damage it, so you should be aware of that, but you are going to have to work with the Department of Health on the standard." At the end of the day, the leech field cannot be above surface, so that we just defer directly to the Department of Health, and they work with them, because septic systems are not standardly, generally put above grade, so that would not apply here.

Councilmember Evslin: Okay, so for a below ground septic does not apply because it says, "principally above ground." But in theory, if someone was trying to do a mounted septic system, which I am not sure if they are allowed to with the Department of Health, et cetera, but if they were trying to do a mounted septic system above the ground, then this could potentially apply to them or no?

Mr. Hull: In theory, yes. I think in my time here at the Department of Planning, I have seen one (1) above ground septic system.

Councilmember Evslin: Okay. Is the rationale to keep the gas or liquid storage tanks as applied to the definition of structure because these things get flowed and do damage presumably?

Mr. Hull: Correct.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? Council Vice Chair Chock.

Councilmember Chock: Thank you, Mauna Kea, for coming. I am partly responsible for his attendance today. We are serving on the same board. Ka'āina, I think the last piece of this is whether or not there is an interest or need for us within this Bill to look at fortifying or making clear as it relates to such structures as a canoe *hale* and so forth, so I just wanted to give you an opportunity to share where that sits and why we did not get to that amendment.

Mr. Hull: Thank you, Vice Chair Chock. We did have that discussion and looking at should we align it directly with the Building Division's exemption, because they do have clear exemption for traditional Hawaiian *hale* structures. A fishpond would not be affected, because there is no roof over a fishpond, maybe there are, I am not sure. But as far as I understand, you are not going to have a roofed and walled fishpond, so there goes into certain traditional Hawaiian structures, and all of the exemptions that the Building Division currently give, which we are looking at possibly folding in, all of those exemptions are essentially for roofed and posted structures, structures without walls essentially. Being that would not fall into our definition of structure, it would not affect those types of structures. Now, if someone wants to...I will leave it at that.

Council Chair Kaneshiro: Are there any further questions from the Members?

There being objections, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I think this is a step in the right direction, and hopefully we can find that it works well, but I just want to applaud that we are being kind of the tip of the spear on this right now, so I understand there might be something we do not know. Basically, thank you for the work that you have done, and I want to extend gratitude out to people like Dr. Chip Fletcher. I know we use the ESRI system, and when I was at the last NACo conference, I know there is a way...I need to send it to you folks, for them to be even looking at the rainfall patterns to be starting to anticipate this, so I had them do a mockup for us, and I need to be sending that to the Planning Department, but there is a mockup of how we can see our rainfall and anticipate flooding, and I think that there is potential for us to step this up even further, and particularly when we anticipate difficult events, and we already have the foundational software in place. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I am going to be supporting this. I just want to thank Ka'āina for being on the forefront. I am sorry if some of my questions made you a little bit anxious, but there are a lot of people that do not understand this. When we went to Hawai'i Island for HSAC your name popped up as being the forefront of our Country actually in leading this sea-level rise thing, so having a Director like yourself in Kaua'i County, we are blessed. It is just that a lot of people do not understand. A lot of people listen to understand, so our job, my job, common sense, I ask the question, you explain, and people understand. I would like to apologize if I made you a little uneasy to answer the question five (5) times for what I ask you. I think now we all understand better on what we dealt with, so thank you Ka'āina.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I appreciate the groundbreaking work that the Planning Department has done and all of the legwork that went into the mapping software. With just that tool alone, I think is going to be invaluable for residents to easily determine with the constraint district how high they need to go, which will be really helpful; we talked about at the last meeting, but it will be helpful when a landowner is trying to determine, they are building a home, they want it to last for their kids, and they happen to be on the shore, this will help maximize the potential of that building lasting. Is it a perfect answer to everything? Certainly not. With sea-level rising, those buildings will eventually get taken. If you have high wash of the waves and passive flooding around the footings of your house, that is still not a good situation to be in, but at least when the water recedes, hopefully the house is

still there, and you can at least be reasonably safe at the house. I think the reason why we got so little pushback is because we are not taking away the ability for someone to build. We are saying, if you are going to build, do it in this mechanism so that we can ensure you will be safe, at least for a while. As we have talked about at Committee too, this is not the end of the road, there is still, as Councilmember Cowden was just talking about the impact of flooding events, and as Kaʻāina was talking about, which are probably on Kauaʻi going to be, at least in the near term, going to be a bigger impact than sea-level rise will as we have a lot of areas just *mauka* of the ocean that will be heavily impacted. Then, we also have the issue that we talked about, Councilmember DeCosta talked about retreat, where we had no answer for retreat—you have a homeowner, generational property that is going to be impacted by sea-level rise, and if you do not want to build there and you want to go somewhere else, we do not yet have the tools to help them navigate that or pay them for their land, so transfer of development rights, buying property owners out, these types of things, we are going to spend the next two (2) decades trying to figure this out, but this is certainly a really important step for us to take to at least ensure safety. Again, thank you to Kaʻāina and Mauna Kea for the testimony today, it gave us time to talk about today, and to make sure that this was good. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kualiʻi.

Councilmember Kualiʻi: I just want to add to the voices of gratitude and say *mahalo nui loa*. I think this is a really important and historic bill that we are passing, and is moving us in the right direction, and I am excited that we are there leading the way. *Mahalo* to Kaʻāina and everyone at the Planning Department and all the others for help.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Kaʻāina, following-up on Councilmember DeCosta when we went to HSAC, there was a lot of talk about our Planning Department and the team back on Kauaʻi for a lot of the efforts, especially in this discussion of sea-level rise issue. This is our State, but Kauaʻi is leading the way, so just wanted to *mahalo* the team and keep going, a lot of great things happening, and we are there every step of the way. This is a big discussion, especially for local families to understand, so I am hoping everything moves forward in the right way. *Mahalo*.

Council Chair Kaneshiro: Council Vice Chair Chock, then Councilmember Cowden.

Councilmember Chock: *Mahalo*, Kaʻāina, good work. I think whenever we put forth regulations, there is always this question about the impact we are having on making it more difficult for our people to live and have a home. With that being said, I also think that without understanding what it is we have to work with, similar to the sewer expansion maps that we so desperately need, it is difficult for us to plan for what the solutions can be, so that we can move in that direction, and I think that this is even less stringent than I thought it would be in terms of our current flood maps. It is a small, but good first step in trying to move in the direction

of forecasting, and quite honestly, government is typically reactive, as we know, this piece of legislation is being pro-active in order to plan for a better future, so just make sure you come up for solutions for us as well moving forward. Thank you.

Council Chair Kaneshiro:

Councilmember Cowden.

Councilmember Cowden: I just have a small thing to say. Our Planning Department has won national awards, I will be unsurprised if this is not another one of them. I think it is that important moving forward and while it might add a little bit of more things to think about when they are being built, I think the benefit worth the cost of that time is substantial, because if it keeps people from having devastating outcomes for their house is really valuable. Thank you. We will see if you will get an award, not that you did it for that, but I bet that it will happen.

Council Chair Kaneshiro: Is there anyone else? I just want to say thank you, Ka‘āina for you and your staff, all of your hard work, the modeling and mapping is wonderful, it is easy to read when the numbers are correct with the mapping. It provides a great guideline, and I think the more we can use ESRI and these types of mapping systems for everyone to see, I think the easier it is for everyone to understand what the requirements will be in the future. With this Bill, it is not as difficult to implement as the flooding standards or the tsunami standards, I like that you looked through it, and it makes sense as to why commercial is only one (1) foot over the water limit, why residential should be two (2), and I just thought it was really thought out. You look at O‘ahu and other islands, or other places, it is something that is coming, sea-level rise is coming, you see houses on north shore of O‘ahu falling into the ocean, and it is not going to prevent people from building there, but it is going to dictate or save them in a way to build higher, so their house is not as affected as other houses that were just built on the ground. I am in support of this. Is there anyone else? Roll call vote.

The motion to approve Bill No. 2879, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualī‘i, Kaneshiro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa:

Seven (7) ayes.

Council Chair Kaneshiro: The motion passes. That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:54 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

jy