

COUNCIL MEETING

OCTOBER 19, 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, Lihu'e, Kaua'i, on Wednesday, October 19, 2022, at 8:32 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 (*present at 8:36 a.m.*)
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i (*present at 8:47 a.m.*)
Honorable Arryl Kaneshiro

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Carvalho.

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 on this item from the Members?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember Cowden and Councilmember Kuali'i were excused*).

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

MINUTES of the following meeting of the Council:

October 5, 2022 Public Hearings re: Bill No. 2860, Bill No. 2877, and Bill No. 2887

Councilmember Carvalho moved to approve the Minutes, as circulated, seconded by Councilmember Chock.

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 on this item from the Members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 5:0:2 (*Councilmember Cowden and Councilmember Kualii were excused*).

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

INTERVIEWS:

PLANNING COMMISSION:

- Glenda Nogami Streufert (At-Large) – Term ending 12/31/2024

Council Chair Kaneshiro: Ellen, I will give the floor to you.

ELLEN CHING, Boards & Commissions Administrator (*via remote technology*): Good morning, Ellen Ching, Boards & Commissions Administrator. I am very pleased to introduce Glenda Nogami Streufert. Glenda was born and raised on the island of Lānaʻi when it was the largest pineapple plantation in Hawaiʻi. She graduated from Lānaʻi High and Elementary School when it had a total enrollment of six hundred (600) students. She continued her education at Purdue University in West Lafayette, Indiana, there she earned a Bachelor of Science, Master of Science, and Doctor of Philosophy in Social Psychology. Her professional experience spans organizational and social psychology research, the leadership and professional training, and college academics. Interestingly, she started her career as an assistant professor at the University in Bielefeld in Germany. Academically, she also served as a Director of Curriculum Research and Professor at the United States (U.S.) Army War College. As a Team Leader at the U.S. Army Research Institute for Behavioral and Social Sciences, she conducted research on organizational development, personnel turn-over, and attrition, retention and motivation, women in the army, army families, and Noncommissioned Officer Corps (NCO) in junior officer leadership in coordination with the U.S. Military Academy at West Point. At Major Army Commands, she conducted a longitudinal study of leadership and career progression on the first graduating classes of women officers. At the Immigration and the Naturalization Service she formed the workforce effectiveness program branch, and when the Department of Homeland Security was created, she headed up the workforce effectiveness programs at headquarters. Upon her retirement, she was the Dean of Academics at the U.S. Army Management Staff College. Since moving to Kauaʻi, Glenda has continued her life of service by establishing the Asian American Government Executives Network Scholarship program or AAGEN, to support Asian American and pacific island leadership in government by granting scholarships for continuing education. In thirteen (13) years AAGEN has granted fifty-one (51) scholarships.

(*Councilmember Cowden was noted as present.*)

Ms. Ching: In 2010 she worked with Mayor Carvalho and the Department of Education (DOE) to bring the Navy science, service, medicine, and mentoring programs to all three (3) high schools. Over forty (40) doctors, dentists, optometrists, nurses, pharmacists, air crew, and pilots flew in for a three-day session to expose students to the opportunities in the medical field and to cultivate more interest in STEM with hands-on experiences with medical equipment and individualized mentoring. Along with her late husband's degree, Glenda has supported and hosted Kaua'i United Way benefit concerts and the Kaua'i Concert Association. She served as the manager at the Civil Defense Agency, now known as the Kaua'i Emergency Management Agency (KEMA). She is currently serving on the Hawai'i Advisory Council on emergency management, and the Kaua'i Regional Board of the Hawai'i Health Services Corporation. Glenda has lived and worked in Germany, as well as Virginia, Pennsylvania, and Washington D.C. She has traveled to every continent except for Africa and Antarctica. Glenda will bring her broad range of experiences and technical knowledge to the Planning Commission, and I am so thankful she is willing to volunteer her time and energy to this important Commission. Thank you.

Council Chair Kaneshiro: Thank you for that introduction. Glenda, do you have anything to add?

GLENDANOGAMI STREUFERT (*via remote technology*): No, I think Ellen did a really good job, and in fact, I am a little embarrassed by it, but thank you, Ellen.

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

Councilmember Chock: Thank you, Glenda. I know you have been serving on the Planning Commission for us for a few rounds now. I just want to thank you for staying on. Any insights that you have and would like to share with us about your time and experience helping the Planning Department?

Ms. Streufert: I think one of the things that I have learned over time, and working with the Planning Department, is that you have a very good Planning Department, and I cannot say enough for all of the people that I have worked with. They are all very highly motivated and their hearts are always in a good place. Thank you for introducing me to all of these people, but also for letting me work with them. I really appreciate that.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: *Aloha*, Glenda. It is nice to see you again.

Ms. Streufert: *Aloha*.

Councilmember Carvalho: Just again, thank you for coming and being a part of this awesome process and demonstrating your love and *aloha*. I have known you for a long time and all of your knowledge and understanding of what needs to be

done, so I really appreciate you. Overall, you have worn so many different hats, in the volunteer world, if you will, so I just want to touch a little on that, and to say that you bring to the table a wealth of understanding in our community, right?

Ms. Streufert: I certainly do, and Kaua'i is my home and it will be my home. I am very interested in what goes on now, as well as how we are planning for the future, so for me, the Planning Department is a great way to give back to the community, if you will. I am very interested, obviously, in the future, because as you know, we worked together in 2010 on the STEM program, and I found that really interesting because it showed me that there are a lot of kids here who are really interested in a lot of things, but they do not always get the opportunity. So to show them the options that are available to them, thank you for the opportunity for letting us come in and do that. I appreciate that.

Councilmember Carvalho: Thank you for stepping up to the plate and serving our community. Glenda, you have a wealth of knowledge. Thank you so much.

Ms. Streufert: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to also say, I am delighted to see your name here. We are going to have a really excellent Planning Commission. We already have some really good people on it, and having watched you over the years on the Planning Commission, I have said this to you in person, but I am just going to say it to the world; anytime you raise your hand, and you have something to say, it is insightful, and great questions, and I feel like you bring so much to the table. I am really pleased, and honestly, impressed at the strength of your background and knowledge. Before I knew all these things that you had actually done, I was like, I need to know this woman. Thank you for being on the Planning Commission again.

Ms. Streufert: Thank you for those comments.

Council Chair Kaneshiro: Are there any other questions? If not, any final discussion from the Members? Councilmember Evslin.

Councilmember Evslin: I just want to thank you, Glenda, as well, for your willingness to continue service on the Planning Commission. I want to call-out in your application, you mentioned participative democracy, and I think that you have nailed it there, as far as the work on the Planning Commission and how important it is for citizens to be involved in that work, and you are a model citizen in that respect. I really appreciate your willingness to serve and continue to do good work here.

Ms. Streufert: If I am approved by all of you, then I will thank you for the opportunity.

Council Chair Kaneshiro: Is there anyone else? If not, I will just say, thank you, Glenda for all of your service and for being willing to serve again. I know the Planning Commission is probably one of the hardest Commissions that we have at

the County. You are practically a councilmember that does not get paid. Thank you, it is a very important job. I do not think you get a lot of “kudos” for being on the Planning Commission, but it is definitely one of the most important Commissions here at the County, so thank you for all your hard work and service.

Ms. Streufert: I appreciate that.

Council Chair Kaneshiro: With that, thank you.

Ms. Streufert: Thank you for this opportunity. Really, you have a great Planning Department, I cannot say more about that. Thank you.

LIQUOR CONTROL COMMISSION:

- Paul Endo – Term ending 12/31/2024

Ms. Ching: Today, I am pleased to introduce, Paul Endo. Most of us think of Paul as being from here, but he was born and raised on O‘ahu, and for the last thirty-four (34) years Kaua‘i has been his home. Paul graduated from Farrington High School. Now, contrary to what we all might think, Paul says, during the entire time that he was at Farrington High School, there was only one (1) fight, and he was not in it. After Farrington High School, Paul attended University of Hawai‘i at Mānoa and entered the Army Reserve as a member of the 100th Infantry Battalion 442 Infantry Regiment. During this time, he started working in industrial loans, and was suddenly called to active duty and served in Vietnam in the 1st Infantry Division. After his military service, Paul returned to Hawai‘i and began what would be a life-long career in finance, starting with Hawai‘i National Bank, Bank of Hawai‘i, and twenty (20) years at First Hawaiian Bank as a Business Banking Officer until his retirement in January 2020. As an Officer, Paul was actively involved in working with a variety of businesses in all stages of their operations to meet their financial needs. This would include new businesses in growing or expanding existing businesses. As a Businesses Banking Officer, Paul approved loans and worked with his customers to find the best solutions for them. Since his retirement, he has continued to help through community service as an active thirty-four-year member of the East Kaua‘i Lions Club. He has previously served on the boards of Kaua‘i Economic Opportunity, Kaua‘i Chamber of Commerce, and Kaua‘i United Way. Paul was also active with the Rotary Club of Kapa‘a from 1989-2009. When asked what his favorite food is, Paul enthusiastically replied, “All things Japanese.” Paul’s daughter lived in Japan for nine (9) years, so he was able to visit on many occasions and indulge in all the eats to his heart’s content, especially his favorite otoro and tonkatsu. Yes, Paul is a “foodie,” but he keeps in shape and enjoys walking five (5) days a week; on two (2) of those days he golfs, but walks the entire course. Paul previously served on the Liquor Control Commission, and also Chaired the Commission. With his business experience, I am grateful he is willing to volunteer, and share his time, knowledge, and expertise with the Liquor Control Commission.

Council Chair Kaneshiro: Thank you. Paul, do you have anything to add to that introduction?

PAUL ENDO (*via remote technology*): No, that is a good introduction. I do not think I would include anything else.

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

Councilmember Cowden: Again, Paul, I am very happy that we are going to have you back on the Liquor Control Commission. Just wanting to honor what a strong background you have to do an excellent job, because having an economic background, and understanding how small business or any size business is impacted you have that right layer of understanding. I have banked with you before, and we are on the East Kaua'i Lions Club together, and I see you are always acting with integrity, so thank you for doing this.

Mr. Endo: Thank you, Councilmember Cowden. I appreciate that.

(Councilmember Kualii was noted as present.)

Council Chair Kaneshiro: Is there anyone else? If not, thank you, Paul. I will definitely be voting for you when it comes up. Thank you for continuing to serve, and it sounds like you are enjoying your retirement, so that is good, also. Thank you.

Councilmember DeCosta: Thank you, Paul.

Councilmember Carvalho: Thank you, Paul.

Mr. Endo: Thank you, Councilmembers.

Council Chair Kaneshiro: Next up, Consent Calendar.

CONSENT CALENDAR:

C 2022-236 Communication (08/30/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Mary Kay Hertog to the Police Commission – Term ending 12/31/2023.

C 2022-237 Communication (10/04/2022) from Mark L. Bradbury, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from July 1, 2022 through September 30, 2022.

C 2022-238 Communication (10/04/2022) from the Director of Parks & Recreation, transmitting for Council consideration, a Resolution Naming The Gym At Kilauea Neighborhood Center "Bill Troutman Gym" In Honor Of The Late William "Bill" Troutman.

C 2022-239 Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental

Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The 'Ele'ele Subdivision Collection System Rehabilitation, Project No. C150050-12.

C 2022-240 Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 2018-33, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation, Project No. C150055-11.

C 2022-241 Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 2021-21, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Waimea R-1 Wastewater Distribution System Upgrades, Project No. C150047-09.

C 2022-242 Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No Parking Of Certain Vehicles Along Puhi Road, Līhu'e, restricting parking of vehicles with six (6) wheels or more along a portion of Puhi Road.

C 2022-243 Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Design And Construction Of Best Management Practice (BMP) Improvements At Various Kaua'i Refuse Transfer Stations (Project No. C150059-25).

Councilmember Chock moved to receive C 2022-236, C 2022-237, C 2022-238, C 2022-239, C 2022-240, C 2022-241, C 2022-242, and C 2022-243 for the record, seconded by Councilmember Kuali'i.

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

The motion to receive C 2022-236, C 2022-237, C 2022-238, C 2022-239, C 2022-240, C 2022-241, C 2022-242, and C 2022-243 for the record was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. The next item is the American Rescue Plan Act (ARPA) item, we will read it in for now.

COMMUNICATIONS:

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 KipuKai Kuali'i moved to approve C 2022-235, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I am actually going to move this item to the end of our meeting, because Managing Director Dahilig mentioned that he has a meeting at 9:00 a.m. and he is the main person who will be answering these questions. I will open it up for public testimony, if anyone in the audience wants to testify on it now, if not, you can wait until it comes back up later in the agenda. Is there anyone on Zoom wishing to testify? Possibly JoAnn, I know she had written testimony. JoAnn is not on there yet, okay, she can testify later. We have a motion to approve and a second. We will move this item to the end of the agenda when Mike is available to answer questions and go over the ARPA information. Next item, please.

C 2022-244 Communication (09/23/2022) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, requesting Council approval, to receive and expend Federal funds, in the amount of \$444,758.99, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following four (4) primary traffic related functions: Traffic Records, Impaired Driving and Youth Deterrence, Police Traffic Services, and Occupant Protection, to include purchase of equipment, supplies, training, and travel expenses.

Councilmember KipuKai Kuali'i moved to approve C 2022-244, seconded by Councilmember Carvalho.

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

Councilmember Cowden: I know this is a recurring grant. Just a very basic explanation, I think it is always good to hear what we are getting money for, and especially if there are any adaptations from what we have had.

There being no objections, the rules were suspended.

ELLIOTT K. KE, Assistant Chief of Police (*via remote technology*): Good morning, Council Chair Kaneshiro and distinguished Councilmembers. Assistant Chief Kalani Ke with the Kaua'i Police Department, for the record. Thank you for

allowing us to come on this morning., requesting your approval to approve the funds of four hundred forty-four thousand seven hundred fifty-eight dollars (\$444,758.00) from the National Highway Traffic Safety Administration (NHTSA). For us, these funds are really critical to sustain our traffic safety operations. We utilize these funds for various types of campaigns and projects. For example, this year we have the four (4) projects that was mentioned: traffic records, impaired driving, police traffic services, and the occupant protection. The traffic records service funds is the project in which Kaua'i Police Department (KPD) works with the State, and we are working on an interface that will allow KPD to transfer all of our major traffic crash reports electronically to the State. We utilize the impaired driving fund to help fund our campaigns for increased roadway safety. For example, our roadblocks or sobriety checkpoints—these funds pay for those types of projects. Police traffic safety services—we use those funds for speed enforcement, for distracted driver, also known as a mobile device violation, those funds also pay for training of our officers for higher level training, advanced traffic crash investigations, and those types of courses. Lastly, the project for occupant protection—those are seatbelt types of violations, child restraint violations, and we also pay for training out of those funds. So, for us, it is very important that we continue to apply for and receive these funds, so we can keep utilizing these funds to keep our roadways safe to protect the public out there.

Councilmember Cowden: Thank you very much for that. While we are on traffic, we have had a handful of tragic deaths recently—several friends of mine, as well. When I look at the lighting in the crosswalk, is that something that gets looked at like where we had the death at a crosswalk on the north end of Kapa'a. When I look at that, those lights are not very bright, it is hard to even...they do not work very well; is that because of bird requirements that we have a gray/silver light? I just wonder. It does not seem like it works. I did not think there was a light there, until I looked to see that there is something.

Mr. Ke: I am not aware of that lighting condition that you are mentioning in the Kapa'a corridor. We work closely, and we have a good relationship with the Kaua'i Department of Transportation (DOT), and we partner up, and what we can do is to make mention of that to them. Like I said, I am not aware of that situation, but going back, we partner very closely with them, we share information, and we work on different types of projects and initiatives to improve roadway safety across the island.

Councilmember Cowden: Okay, thank you. I sent a letter to both KPD and DOT on that. I am glad we put those lights over the crosswalks, but they are not very bright, especially in the rain, so I am just using this moment to call it to your attention. I want to also acknowledge Jason Overmyer, too, for the good job that you do. Thank you. I do not know if anyone else has questions but thank you for giving us that overview.

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

LONNIE SYKOS: For the record, Lonnie Sykos. I am in complete agreement with accepting this money. My father was an industrial safety officer and amongst the things I have learned as a child, is all of those cameras at the intersections are there because of this kind of money, and the reason the cameras are there is so that National Transportation Safety Board can study what happened for traffic accidents, and then come up with safety measures to mitigate accidents at intersections. This is very valuable money. I would like to back up Councilmember Cowden. It is a good thing that we are trying to make it safer to use crosswalks, but the measures that are put in place are not working as well as they could. The crosswalk in Kapa'a, because of the lighting and all the different colorations of buildings, even someone standing there wearing white clothes tends to blend into the surroundings, and as you are driving up, you need to look at both sides of the crosswalk, you need to watch the traffic, you need to watch the people behind you, people pulling out of the food vendors, so it is hard to see a pedestrian. Nationally this is a huge problem, pedestrians being hit is going up rapidly on O'ahu, and we unfortunately have too many pedestrian accidents here. I encourage KPD to be proactive. To the Assistant Chief, your public safety people need to go out in the dark and inspect these things. Going in the daytime is useless. Then you need to work with DOT and perhaps the County to figure out how to illuminate the pedestrians better. I also have a question with all the statistics they keep...first off, does KPD believe it is a problem on Kaua'i, and secondly, do we keep statistics for vehicle collisions with animals? On Maui and Hawai'i Island, they have hundreds of collisions a year. On Maui, during El Nino, when the cattle came out of the mountains, we had wild cattle attacking cars. It turned out that the police department did not keep records about animal interactions with vehicles, and they had no idea how many of the animals were feral and how many were tagged and owned by someone and just loose. So, our feral animal collisions with cars is an issue on Kaua'i and do they keep statistics so that we can go to Department of Land and Natural Resources (DLNR), and come up with an animal control plan? Thank you very much.

Council Chair Kaneshiro: Okay, thank you. Is there anyone else in the audience wishing to testify? Is there anyone on Zoom? None.

There being no further 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 2022-244 was then put, and unanimously carried.

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

C 2022-245 Communication (10/06/2022) from the Acting County Engineer, requesting Council approval to purchase unbudgeted equipment due to urgency to replace equipment as a result of unanticipated mechanical failure with a total of \$389,690.48 for the following:

- Wailua Screw pump – \$175,000.00
- Lihu'e Clarifier Replacement parts – \$85,222.48
- Lihu'e Diskfilter programmable logic controller – \$55,000.00
- 'Ele'ele Froth Sprays – \$74,468.00

Councilmember Kuali'i moved to approve C 2022-245, seconded by Councilmember Carvalho.

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

Councilmember Chock: Troy, thank you for putting this up. Can you give us more understanding about this equipment? I am curious as to why this came through and not through a transfer. Is it because of the amount?

There being no objections, the rules were suspended.

TROY K. TANIGAWA, Acting County Engineer (*via remote technology*): The listed equipment are pieces of equipment that were not anticipated needing to be replaced; however, after the term of the Fiscal Year, we started having failures. If the equipment are not replaced with new equipment, we stand the risk of sewage spills. We had other equipment that we wanted to replace, but these pieces moved up in priority, because of the failures that we started to experience.

Councilmember Chock: I noticed you took from repair and maintenance (R&M).

Mr. Tanigawa: Yes.

Councilmember Chock: How much over-budget are we on these line items for this request?

Mr. Tanigawa: We feel that we can make-do with what we have now, but I have Donald on the line now, and maybe he can provide more detail.

DONALD FUJIMOTO, Acting Chief of Wastewater (*via remote technology*): Thank you, Troy. Councilmember Chock, just to clarify, we asked for four (4) pieces of equipment for approval now, but at this time we are probably going to pick up only the first two (2) and see how we do with the repair and maintenance account. Hopefully, we will be able to find some money to pick up the last two (2), but right now, the priority is the first two (2) pieces of equipment.

Councilmember Chock: Okay.

Council Chair Kaneshiro: Councilmember Cowden.

Mr. Fujimoto: Did I answer your question?

Councilmember Chock: I think so.

Councilmember Cowden: I have a question. Are these needing to be replaced because of age or was there any kind of incident that happened that created the problem?

Mr. Fujimoto: Both of them are due to age. The first one, the screw pump broke down, there are two (2) of them that broke down, and right now, we are running on one (1). So, if that one goes down, then we really have some problems. The second one was damaged and we are trying to replace that. It is so old that they do not make any replacement parts for it anymore, and the only alternative is to get a new one to replace it. The second one, we just replaced the clarifier—there are two (2) clarifiers, and it was in really bad condition, ready for a meltdown at any time, so we felt that because both of them are the same age, that we should change the second clarifier is parts at this time.

Councilmember Cowden: Okay. When we are getting our bond to do the one-hundred-million-dollar (\$100,000,000) fix, are we going to be basically replacing all of this soon? I get that we need this, but is this equipment that will be getting replaced as we do our big repair that we have on the plan?

Mr. Fujimoto: As we move forward and try to do the upgrades for the facility, some of these parts, because it is already replaced, will not have to be replaced later, so we would actually save there. In the case of the first item, due to efficiency issues, we may consider changing that to a more efficient system in about three (3) years, but because of the nature of this pump, the main pump of this tank, the surge tank to the process to the primary activation tanks—those really need to be replaced, we cannot risk a chance of breakdown there.

Councilmember Cowden: Okay, thank you for being diligent and proactive.

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

Mr. Sykos: For the record, Lonnie Sykos. Tremendous thanks to the Wastewater Division; you folks do a great job, you have inherited, even if you have been here for twenty (20) years, antiquated systems, and you do a good job of keeping the antiquated systems operating. I operated sewage treatment plants on ships, which is considerably different than what they do because we basically are gravity fed, where they have all these pumps, but I do understand if the screw pump goes out, there is no downhill, so nothing flows. So, they need to have the screw pumps, they need these parts, and truly, I realize they are “dancing on a razors edge.” One of my questions is, does the Līhu’e diskfilter programmable logic controller...if

the logic controller goes “whack,” will it damage the filter system or could it potentially damage the filter system? Those are the kinds of decisions these folks have to make; do we come and ask for this money now when it is still functioning, but we risk a greater expense by letting something get damaged by accident? “Tip of the hat.” Please give them the money. They know what they are talking about. Thank you very much.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? None. Is there anyone on Zoom? None.

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

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

The motion to approve C 2022-245 was then put, and unanimously carried.

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

C 2022-246 Communication (10/12/2022) from Councilmember Evslin and Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 5A-6.3(g), Kaua‘i County Code 1987, As Amended, Relating To Real Property Tax (*Ni‘ihau Minimum Tax*).

Councilmember Kuali‘i moved to receive C 2022-246 for the record, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify? This will come up later in the agenda if you want to hold your testimony until then. Is there anyone on Zoom wishing to testify? None. Any final discussion from the Members?

The motion to receive C 2022-246 for the record was then put, and unanimously carried.

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

COMMITTEE REPORTS:

PLANNING COMMITTEE

A report (No. CR-PL 2022-12) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2880 – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA‘A HOMESTEADS, KAUA‘I (*Manuel DeSilva, Jr., Trustee, Applicant*) (*A-2022-1*),”

A report (No. CR-PL 2022-13) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2881 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA‘A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13),”

A report (No. CR-PL 2022-14) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2882 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kaua‘i County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*),”

A report (No. CR-PL 2022-15) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2885 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-9),”

A report (No. CR-PL 2022-16) submitted by the Planning Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2886 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-14),”

Councilmember Kuali‘i 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? Seeing 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 reports was then put, and unanimously carried.

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2022-17) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2883 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

A report (No. CR-COW 2022-18) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2884 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025,”

Councilmember Kuali'i moved for approval of the reports, seconded by Councilmember Cowden.

Council Chair Kaneshiro: 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 questions or discussion from the Members?

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

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

RESOLUTIONS:

Resolution No. 2022-42 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Mary Kay Hertog*)

Councilmember Kuali'i moved for adoption of Resolution No. 2022-42, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there anyone in the audience wishing to testify? I will suspend the rules. Lonnie.

There being no objections, the rules were suspended.

Mr. Sykos: For the record, Lonnie Sykos. Can you ask Council Services to put the text from the Police Commission in the Charter up on the screen, please? My questions for her have to do with the text.

Council Chair Kaneshiro: She is not on.

Mr. Sykos: I know she is not on. This is my chance to speak. She will hear this or she will not. I do not care. I have a civil right to talk, and I am asking you, if you will ask the staff to put up there the text from our Charter, the section on the Police Commission.

Council Chair Kaneshiro: We do not have it readily available.

Mr. Sykos: Really? The County government does not have its Charter readily available.

Council Chair Kaneshiro: We have it. We are not going to put it on the screen right this second.

Mr. Sykos: I have six (6) minutes, so can you put it on the screen within the next six (6) minutes?

Council Chair Kaneshiro: Let me recess right now.

There being no objections, the meeting recessed at 9:10 a.m.

The meeting reconvened at 9:11 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. We are on Resolution No. 2022-42. Is there anyone in the audience wishing to testify? The last testifier walked out. Is there anyone on Zoom? None.

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

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

Councilmember Cowden: I just want to say that she is great. She has done an excellent job, and it gives me confidence and comfort to know that she is back on the Police Commission. I appreciate all our commissioners, but she is an excellent one.

Council Chair Kaneshiro: Thank you. Is there anyone else? I just want to say, our last testifier asked for information from Council Services during his testimony. I think it is not fair to put us on the spot. If he wants to come, he can print out the Charter, he can ask for it ahead of time, but it is not fair to have our staff running around trying to put something up on the screen for what anyone requests when they come to testify. He has left. I do not want it to take away from Mary's appointment, I think Mary is an awesome appointment. She has done a great job, she has been there through the tough times of having to hire a Police Chief, she is there now, and I think she is a good staple on the Police Commission, and I am happy to vote for her. Is there anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2022-42 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualī'i, 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.

Resolution No. 2022-43 – RESOLUTION NAMING THE GYM AT KĪLAUEA NEIGHBORHOOD CENTER “BILL TROUTMAN GYM” IN HONOR OF THE LATE WILLIAM “BILL” TROUTMAN

Councilmember Kualī'i moved for adoption of Resolution No. 2022-43, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: This came from the Administration.

Councilmember Cowden: I can speak on it too.

Council Chair Kaneshiro: It was by request through Councilmember Carvalho and the Department of Parks & Recreation wants to talk about the Resolution.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation (*via remote technology*): Good morning. Soon after Mr. Troutman passed, a number of people in the community reached out to our Department. Well-known people in the community reached out about dedicating the gym in Mr. Troutman's name. So, early on it became a “no-brainer” that we will go down this path, and now we are coming to the Council to officially get the gym dedicated in Mr. Troutman's name.

Council Chair Kaneshiro: Are there any questions regarding the Resolution? Is there anyone in the audience wishing to testify? None. Is there anyone on Zoom?

JOANN YUKIMURA (*via remote technology*): Yes, I would like to testify.

Council Chair Kaneshiro: Okay, go ahead, JoAnn.

Ms. Yukimura: Thank you. As you know, my name is JoAnn Yukimura. I think it is a wonderful thing to name the gym after Bill Troutman. There was no one more dedicated to the community than he was, especially with sports, and involving children. Every basketball season he would talk to the teachers and find out which children needed support, and he would develop scholarships for these kids, so they could play. The games were so exciting. The teams were evenly

distributed in talents, so the games were so close even when they had children with disabilities playing—it was just a really heartwarming thing. Of course, he was also “Mr. Elections,” he would always make sure, encourage people to vote, he would help set up signs about voting at the front of the community entrance, there were so many things that Bill Troutman did for the community, so it is very appropriate. I do not know who proposed it, but it is a really good thing to do so that he can be remembered.

Councilmember Cowden: Thank you.

Ms. Yukimura: Thank you.

Council Chair Kaneshiro: Thank you, JoAnn. Is there anyone else on Zoom wishing to testify? Seeing none.

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

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

Councilmember Carvalho: I have known Bill Troutman for many years. Over thirty plus (30+) years he has been a very awesome community member at all levels of the community. When you mention his name now in this Resolution the community embraces his memory. When the Resolution came forward, I thought this is a great opportunity to honor him, and name that gym after Bill Troutman...naming a facility after someone is a big accomplishment. This man was there for our children, parents, the school, and he just gave from his heart. I just want to say how important, this is in recognizing his accomplishments as a community member. I am in total support of this, that is why I put it together.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I was running parallel in building this through the Council. We had Kaua'i Police Activity League who brought this first. The Lions Club brought it forward. The Kilauea Neighborhood Association (KNA) brought it forward. This is the gym right out my back door. Bill is a long-time friend of mine and a big part of our Parent Teacher Student Association (PTSA) at Kilauea School. He would come in to our neighborhood association in the neighborhood center while the children were playing basketball —bring those children in so we would be looking directly at the children that KNA would be funding to go to O'ahu or whatever we were doing. Part of putting our Christmas parties together, our Easter parties together—one event after another—he was such an essential part of our community. The park right outside my house, the neighborhood center, right adjacent to it—that is where most of these events happened, so I think it will be really appropriate. I thank the Office of the Mayor for picking it up and Councilmember Carvalho for introducing it for them. They put a lot of work in this and I am very supportive of it.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: I want to also share how pleased I am with the direction that this is moving in and renaming the Gym for Bill, whether he served basketball school or community-related activities, he was a true champion for us, and to honor him in this way is befitting. I am pleased to support it.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: It is very easy for me to support this, especially that it comes from the community. I especially appreciate his over thirty (30) years of dedication and support of Kaula'i Police Academy League (KPAL). In the fourth or fifth Whereas clause, I especially appreciate where it says, "He mentored and supported thousands of youths and their families through the years, where he took a special interest in helping at-risk and lower-income families." In the fifth whereas clause, "That he established a program where all KPAL participants had one hundred percent (100%) of their registration fees waived for families that were already on the reduced lunch program." I think that is really important to help our families, and do not even wait for them to ask for help, if you know they are already getting help through reduced family meals. Even though the fees may seem really low, it is a lot of money for them. So, just get out there and automatically help them. Obviously, he had the compassion and the heart to see that, know that, and to do that, and more of us need to do that. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I just want to echo what everyone else is saying, especially Pat Porter and the Department of Parks & Recreation that works with the community of Kilauea; I am so fortunate that I got to work with their children. My boys grew up in KPAL and Bill got the Kilauea basketball program up and running. When we talk soccer, we will talk north shore Hanalei, we talk basketball, we talk Kilauea, and I remember going there and we were in a tie game and Bill showed up, and the boys rallied and beat the westside team. We were up, but Bill was an icon figure that the children looked up to. Thank you for doing this in his honor.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to add one more thing. I feel bad, I forgot to say, my children were on the basketball teams, and he was a good referee and in most of the sports—he was great. Whenever we had an emergency, he helped to open the gym, so it is super fitting for him to be part of it.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: To echo everyone here, clearly, we have a man who gave himself to the community. Community sports are so important, and it is

only fitting that we now have this structure, which is the center of the community that Bill served, to bear his name, so I am fully in support of this.

Council Chair Kaneshiro: Roll call vote.

The motion for adoption of Resolution No. 2022-43 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.

Resolution No. 2022-44 – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE 'ELE'ELE SUBDIVISION COLLECTION SYSTEM REHABILITATION, PROJECT NO. C150050-12

Councilmember Kualii moved for adoption of Resolution No. 2022-44, seconded by Councilmember Carvalho.

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

Councilmember Cowden: When we have approved all these bonds, how does this series of Resolutions relate to the bonds that we approved? Basically, is it the same? Is it parallel?

Council Chair Kaneshiro: This is a loan that they are going to get from the State at a low interest rate.

Councilmember Cowden: Okay, so this is in addition to that. Troy, can you help me? Can you give me the nuance on it? I looked at the description, but I was unclear.

There being no objections, the rules were suspended.

Mr. Tanigawa: Can you read the agenda item again?

Councilmember Cowden: We are on Resolution No. 2022-44. There are several of these, so I would have the same question for Resolution No. 2022-44, Resolution No. 2022-45, and Resolution No. 2022-46; it is the intergovernmental agreement with the State of Hawai'i Department of Health for a loan from the State

water pollution control revolving fund for the wastewater distribution system, so it is Wailua, Waimea, and 'Ele'ele. I want to understand how this feathers in with the municipal bonds that we were talking about for the one hundred million dollar (\$100,000,000) bond on wastewater.

Mr. Tanigawa: These Resolutions are to obtain Council approval to enter into an agreement to obtain State Revolving Funds (SRF) for wastewater projects. We have a design that is already completed for the item under Resolution No. 2022-44, which is the 'Ele'ele subdivision collection system rehabilitation project. Typical to SRF type loan projects, we obtain these loans once we are ready for construction. These loans will fund the actual construction contract and any construction management services that we need to ensure that the specifications are followed, through receipt of a product that is specified by our contracts. Some of the details about this loan is that it is a low-interest loan, the interest level is better than any bond interest, or any interest that we could obtain for bonds that we would sell. With these loans, typically, once you finish construction, then the State bills for reimbursements for this project. Donald is on the line also, he is attending remotely, and he may have a little more detail to share, too.

Councilmember Cowden: Donald, I see this as fifteen million dollars (\$15,000,000) worth of these State Revolving Fund loans. What I am asking is, we are getting the one hundred million dollars (\$100,000,000) in bond for bringing these things up to code...how does this fifteen million dollars (\$15,000,000), I still do not quite get it, I thought the one hundred million dollars (\$100,000,000) was going to take care of everything, so I did not realize we had an extra fifteen million dollars (\$15,000,000). How do those feather together?

Mr. Fujimoto: When we obligate SRF funds, we are working with a budget...let me see if I can adjust this.

Council Chair Kaneshiro: Councilmember Cowden, his connection is going in and out, so if you want to ask Troy the question.

Councilmember Cowden: I am sorry. I am missing this nuance of how the money works. I am not questioning the judgment, it is just important that I understand, because I thought when we got this one hundred million dollars (\$100,000,000) when we were working on that, I thought that is what this was doing.

MICHAEL A. DAHILIG, Managing Director (*via remote technology*): Councilmember Cowden, this is Managing Director Dahilig. Can you clarify what one hundred million dollars (\$100,000,000) you are referring to concerning wastewater infrastructure?

Councilmember Cowden: I am seeing we have another fifteen million dollars (\$15,000,000) in these three (3) Resolutions, so this fifteen million dollars (\$15,000,000) of State Revolving Funds has something to do with these same wastewater plants that we are fixing. I am just trying to understand what is different

with the fifteen million dollars (\$15,000,000); why is that additional? Troy just said something about...I did not understand. Please help me understand.

Mr. Dahilig: The State Revolving Fund program is something that the Environmental Protection Agency (EPA) has been running for many decades, and it is an opportunity to provide communities low-cost financing to address a number of environmental projects, and currently, the U.S. Congress has appropriated, at this point, about thirty-five billion dollars (\$35,000,000,000) for this program nationwide. The County has historically used this program as a means to finance wastewater upgrades across the County simply because the interest rate is something that we cannot even get at the market even if we were to go to traditional bond financing with selling off bonds. For example, right now the State is a passthrough, charging us an interest rate of one point twenty-five percent (1.25%) per annum, which is incredible given the rate of inflation and the current market prevailing rates that are going on. I will take all the Resolutions that you have in front of you in total because there is also a solid waste item, but in general, some of them are related to cost accelerations that we all are aware of with respect to the current construction marketplace, so some of the wastewater items are meant to finish out projects that are ongoing; however, there are two (2) projects that I am sure Troy can discuss regarding 'Ele'ele and the solid waste upgrades that are meant to address the potential to not get a consent decree for compliance with our transfer stations, and that is the additional item that is there. In general, we have traditionally done this financing, it is not considered bond financing. When they go through the evaluation of our bond rating, they take into account that this is a liability on our balance sheet, but it is not uncommon with municipalities across the country to have this on their balance sheet, given the amount of use that this program has had by the EPA by municipalities and cities across the country for many years. The Finance Director can comment on this as well, but when we did the last bond refinance, we went through an evaluation of what would be potentially given our revenue a bond capacity, and it was in the order of billions of dollars, so this is really a "drop in the bucket" when we look at the amount of debt that the County, at least through evaluation with our bond rating agencies would be considered to have as our available debt capacity. So, it is low interest, it is with a Federal program, it is not a novel program, and it is a small amount considering the overall capacity that the County could carry if it needed to.

Councilmember Cowden: Thank you for that. I am not questioning the judgment of using it. We were looking at rate increases for our wastewater disposal which also impacts septic and cesspool, so when we get this opportunity for cheaper money to borrow for fifteen million dollars (\$15,000,000), will we be borrowing a total of one hundred fifteen million dollars (\$115,000,000) or are we borrowing one hundred million dollars (\$100,000,000) and this fifteen million dollars (\$15,000,000) comes out of this one hundred million dollars (\$100,000,000)? Maybe you are saying it is things we were going to do anyway. I just want to know if it impacts what we already decided on our rate increases, and if we knew when we talked about that one hundred million dollars (\$100,000,000) if we were planning on this fifteen million dollars (\$15,000,000) at the same time. I am just wondering why it did not come in as one (1) big package.

Mr. Dahilig: Just to clarify, based on what was pushed out as the Capital Improvement Projects (CIP) program that we presented to you, forward-looking that we based the rate increases on that SRF proposals in front of you now is part of that overall package; did I just clarify that?

Councilmember Cowden: Okay.

Mr. Dahilig: Okay.

Council Chair Kaneshiro: Councilmember Cowden, the one hundred million dollars (\$100,000,000) you are talking about, what was that from?

Councilmember Cowden: When we did our sewage, when we looked at the rate increase, when we are going to be upgrading all of our wastewater treatment plants, about a month or two (2) ago, we discussed bringing it all up to standard. I was just so surprised to see an additional fifteen million dollars (\$15,000,000) on top of it, so I was just trying to ask for a little bit of the detail if it was part of the same thing or if it was separate.

Council Chair Kaneshiro: I believe that the one hundred million dollars (\$100,000,000), that we did not get anything for it yet, it is going to depend on the rate study, and as the years go on, they are going to borrow money for those projects.

Councilmember Cowden: Right, we have not gotten it yet, so I just wondered if this comes out of that need or where it is relative to the whole thing coming together. It just was not clear to me.

Mr. Dahilig: Just for the Council's entertainment, I put this up on the screen, and with respect to the 'Ele'ele subdivision collection rehabilitation, you are seeing that as listed in the proposed CIP items. I will let Donald and Troy elaborate further, but this is in line with that method of approaching, at least the wastewater items, but I would say that at least with the other two (2) items, as I have mentioned, those are two (2) complete-out projects that already have had previous approvals from the Council for SRF funding, but because of cost accelerations, those are things that had to be completed out, and I think it is on the order of hundreds of thousands of dollars that we are looking at as additional borrowing capacity that we are asking for.

Councilmember Cowden: Okay, that is helpful. That answers my question.

Mr. Fujimoto: Can I clarify a statement? First of all, the request that you have—the Resolution—raises our current approval for Waimea R-1 for seven million five hundred twenty-eight thousand dollars (\$7,528,000), so we are asking for an additional five hundred thousand dollars (\$500,000). For the Wailua sewer pump station, we are asking for three hundred thousand dollars (\$300,000) more. Right now, we already have approval for two million seven hundred thousand dollars (\$2,700,000), and we are asking for a total of three million

dollars (\$3,000,000). 'Ele'ele is up for new funding for a completely new project. All of these are slightly higher than what was shown on the rate study list. That is due to a couple of things: one, the rate study was generated back in 2020, when it was supposed to be implemented, and that information, just to keep the project going so we could get the rate increase out; we did not want to have to redo all of these numbers—these are slightly inflated numbers that we are talking about now because of COVID-19, as well as the inflation rates. So, that means that at some point later, would have to drop out some of the projects or at some point, we will have to go back to Council for another rate adjustment. The idea was because there was such a significant discussion about the rate adjustment, one, is to just move ahead and get this approved, and even the approval, we ask for a five-year step just to get to a point where we think we can manage the situation. With that said, within five (5) years before the rate adjustment is done, we are probably going to come in for another rate adjustment. I am not sure if that answered the question.

Councilmember Cowden: Yes, it does. When I am looking at these numbers where there is an adaptation, it is not necessarily three million dollars (\$3,000,000), you are moving it from two million seven hundred thousand dollars (\$2,700,000) up to three million dollars (\$3,000,000), and from seven million five hundred thousand dollars (\$7,500,000), you are moving it up to eight million dollars (\$8,000,000). Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, while the rules were suspended. Is there anyone in the audience or on Zoom wishing to testify? Seeing 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? Councilmember Kualii'i.

Councilmember Kualii'i: Maybe I should have asked the question, because I am going to basically say, to me, this is just a matter of supporting the existing work. So, different financing options, packaging, it is to keep the work going, and it is to cover our current and soon to come expenditures, for which the bond funds are not available yet. When you said it is a low-interest loan, one point twenty-five percent (1.25%), you cannot find bond interest better than that, and the State will not invoice us until after we finish construction. To me, it is just a financing piece and it is easy to understand. Thank you.

Councilmember Cowden: Thank you. Just trying to be clear. Just by looking at close succession, we have a lot of funding going there. I probably should have had a separate meeting just so I get it.

Council Chair Kaneshiro: If we could borrow all the money we need from the SRF fund, I would say let us do it based on the low interest rate. It is from the State, I believe the State gets some money from the Federal government to allow these types of loans, but if we need to start bond-funding projects, obviously it is going to cost us more than what it is to borrow from the State. Good job. I am going to be voting for it. Is there anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2022-44 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.

Resolution No. 2022-45 – RESOLUTION AMENDING RESOLUTION NO. 2018-33, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAILUA SEWAGE PUMP STATION (SPS) NO. 1 REHABILITATION, PROJECT NO. C150055-11

Councilmember Kualii moved for adoption of Resolution No. 2022-45, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members? 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: Is there any final discussion from the Members? Roll call vote.

The motion for adoption of Resolution No. 2022-45 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.

Resolution No. 2022-46 – RESOLUTION AMENDING RESOLUTION NO. 2021-21, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA R-1 WASTEWATER DISTRIBUTION SYSTEM UPGRADES, PROJECT NO. C150047-09

Councilmember Kualii moved for adoption of Resolution No. 2022-46, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members? 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: Is there any final discussion? Roll call vote.

The motion for adoption of Resolution No. 2022-46 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.

Resolution No. 2022-47 – RESOLUTION ESTABLISHING NO PARKING OF CERTAIN VEHICLES ALONG PUHI ROAD, LIHU'E

Councilmember Kualii moved for adoption of Resolution No. 2022-47, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Mike or Troy, if you want to give us a background on what the Resolution does.

There being no objections, the rules were suspended.

Mr. Tanigawa: I missed the Resolution number, can you read that again, please?

Council Chair Kaneshiro: Resolution No. 2022-47 regarding No Parking of Certain Vehicles Along Puhi Road.

(Councilmember Carvalho was noted as not present.)

Mr. Tanigawa: This Resolution came up because of some issues that we are having along Puhi Road. There is a number of vehicles parking along the road. These are larger type vehicles, so what this Resolution does is place parking restrictions along Puhi Road to minimize areas that we have these larger vehicles parking. Michael Moule is on the line, and he may have some additional information if you folks need more details. Did my response answer your questions?

Council Chair Kaneshiro: Mike, do you have anything else to add?

MICHAEL MOULE, Chief of Engineering Division (*via remote technology*): Good morning, Chair and Members of the Council. Michael Moule, for the record. This Resolution is specific to restricting vehicles with six (6) wheels or more, and I also want to point out that "vehicles" includes "trailers," by definition, both in the State definitions of "vehicles," and County definition of "trailer." We confirmed that the vehicles that are parking on a regular basis in this area all have six (6) wheels or more, it was the easiest way to distinguish the significant violators that are occurring out there from normal people driving their vehicles. We do recognize that there might be an occasional person driving a dually truck, but there are other places to park nearby that people who might have those vehicles could park. But this is the easiest way to try to make it fair for everyone.

(Councilmember DeCosta was noted as not present.)

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

(Councilmember Carvalho was noted as present.)

Councilmember Chock: Thank you, Michael. I think everyone here is going to be supportive of this move. As you know, mostly all of us have been looking at this issue, as well as parking needs. In particular, when we look at parking, what always comes up is enforcement or the ability to enforce. I am just curious, as supportive as we are of this, have you vetted this with KPD and their enforcement?

Mr. Moule: Yes, as we do with all traffic resolutions, we sent them to the Office of the County Attorney for review for form and legality, and then to KPD, Fire Department, and the Planning Department for their review to see if they have any concerns about their operations or issues. We had a medium to long discussion with KPD about the language; one of their major concerns was, "will it include trailers," and as we went through the language and the discussions, the State law and County Code that reference "vehicle" does include "trailers."

(Councilmember DeCosta was noted as present.)

Mr. Moule: We need to install signs for this—for resolutions you will see in the Resolution it says, it will go into effect once the signs are installed, so our plan is to sign it with signs that simply say, "No parking vehicles six (6) wheels or more," that will fit on a standard parking sign, the typical twelve (12) by eighteen (18) inch parking sign, and they felt that would be sufficient.

We talked about also having the word “trailers.” The challenge with that is the sign gets bigger or the letters get smaller, and since the law does typically state that trailers are vehicles it will be enforceable with it just saying vehicles, while it may not be clear to some drivers, we know we have a small number of violators here, they will know quickly that trailers are included in definitions of vehicles, but it is by vehicle code included in the definitions. We had that discussion and they were comfortable with the language as it is at the end.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: As we have discussed, we understand that it is hard to necessarily tow containers, which is what most of these are. But by putting the sign up, they still can be ticketed, so if people have an accrual of tickets, what is the outcome of that?

Mr. Moule: I am sorry. If they have...

Councilmember Cowden: Accrual of tickets. There is quite a number of containers that are left there long enough that grass grows around them. What happens if they have accruals of tickets? What consequence do they have?

Mr. Moule: That is a question that I am not able to answer. Maybe the attorney or Managing Director can better address that.

Councilmember Cowden: Before I get him with that question, I have a question that is directly for you, and that is, we have Puhi Road is going under reconstruction, is that scheduled in January 2023? When are we going to start that?

Mr. Moule: We are looking to go to bid very soon on that project with construction anticipated to start in early summer around June.

(Councilmember Kuali'i was noted as not present.)

Councilmember Cowden: Okay. When that construction does begin, it will no longer be possible for these vehicles to be parked there as we are resurfacing and rebuilding the roadbed.

Mr. Moule: During construction there will be times when there will not be any room on the side of the road. It will be constructed in phases. So, during construction there will be situations where for this stretch that is under construction right now, you will not be able to park anywhere on the side of the road, likely because of all the construction activity, paving, and everything else. Sometimes certain portions of the road are closed for detours because of the construction we are doing. After the construction of that project the road will be reconfigured, and there will be some locations where people are parking now that parking will not be possible, but most of the locations along Puhi Road parking will be feasible most of the length, and we would still need to have...

(Councilmember Kuali'i was noted as present.)

Mr. Moule: ...this Resolution will still apply, there will be no change to that. This whole stretch will still have that. We would not need to install signs along the entire stretch anymore, because once there is physically no space to park without blocking a lane, there is no point in fining for certain vehicles, because no one can park at all legally in those locations. But the Resolution will still apply, we will just adjust the signs accordingly.

Councilmember Cowden: Those white barriers that go up with the white reflector on it in different places like we see at the intersection of the highways at Hanamā'ulu, has that ever been used to limit very large vehicle parking? Can we do something like that on the road to further discourage it?

Mr. Moule: Do you mean like the flexible post that we see in various places?

Councilmember Cowden: Yes.

Mr. Moule: Potentially, we could. You could certainly do that. It would be hard to set those up in way that would restrict just larger vehicles, I guess you could have the spacing, but we usually put those up in places where we want to prohibit turns or in places where you want to prohibit parking or prevent vehicles from moving onto a certain space of a road, bridge, or something—all vehicles, not just large vehicles, so I do not know how practical that would be. It might be possible, but the best in here is signage and subsequent enforcement, and everyone in the County is aware of this problem and has come from a lot of places. The Police have anxiously awaited the ability to enforce this properly, which we do not have right now.

Councilmember Cowden: Okay, thank you. Managing Director Dahilig, thank you. I know there are a lot of concerns from the community that parking tickets will go on vehicles, and we see in the industrial park there are “no parking” signs, yet the same problem exists on those roads with the “no parking” signs. Can you speak to that? I had a lot of questions of that nature—even when we put the “no parking” signs on, it has gotten to where two (2) containers deep are being parked. So I can give good answers to the community, how do we deal with the ticketing and what would be an extraordinary process of towing?

Mr. Dahilig: Once an area is identified as “no parking” there are a number of tools set forth in either Hawai'i Revised Statutes (HRS) 291C or 291D that layout a potential for ticketing or heightened types of violations for intentional misuse of County property. I am not necessarily directing a specific type of violation, but the typical item would be that the police officer called to the scene would provide a citation, which would then be affixed to the vehicle at which time they would either have to pay the fine or appear in court. What tends to be additional in these circumstances is that if, let us say the trailer is owned by a shipping company, it would be the shipping company that would be potentially drawn into the legal dispute which could lead to the shipping company banning or prohibiting any company that is creating a problem for them from actually picking up those types of trailers. So, there is not one potential avenue for addressing the issue, but there are

many ways to interpret the different penal types of laws in HRS 291C and 291D to be able to be in compliance for any kind of bad actors.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the Members? I will open it up for public testimony. I have Joyce speaking first. Joyce, state your name for the record. You will have three (3) minutes to speak. The light will turn green when your time starts, yellow when thirty (30) seconds remain, and red when your three (3) minutes are up. If you need more time, we are going to go around the room and have everyone speak for a first time, then you can come back and have another three (3) minutes if you need it.

JOYCE MIRANDA: Hi, I am Joyce Miranda. I am representing the Association of the Owners at the Villas of Puali, today. Thank you very much to the County Council for bringing this up. This has been an issue over the last two (2) years, and we have reached out to the police, the Planning Department, the owners, and this is a real problem for our community of over two hundred (200) residents. This is illegal parking, but it is also illegal storage, which is what I want to bring up to you today. They are not only parking their semi-trucks and hauling the Matson containers—this is “24/7”—this does not only happen during the week, it happens Sundays, Saturdays, and there are residents living...we invested for a neighborhood to live, not being a baseyard for someone’s trucking company that obviously has outgrown their very small place in the industrial area. We are a community. We are many residents that have lived here for many years, and we are not here to sit there and gripe and moan about the look of the trucks on Puhi Road. We are here to stress, there is noise, there is backing up beeping, jack brakes, semi-trucks in and out on Sundays and Saturdays. Also, it is surprising to me that it has taken this long by us going to the Police Department, the Planning Department, the State Department of Highways—I would think that this would be such a legal liability for the County that I am surprised that it has not been addressed by now. It is the safety. Just the other day, I saw an older gentleman with a cane jogging, trying to walk, having to maneuver between their containers to even walk on Puhi Road. Just to get the idea of the size of the Garden Island courier, I have counted over twenty (20) vehicles from semi-trucks, flat beds, vans, and smaller trucks.

Council Chair Kaneshiro: I am sorry, Joyce, that is your first three (3) minutes. I have Jock signed up to testify next. Jock will come up, and you can have another three (3) minutes after everyone has had their first three (3) minutes.

Ms. Miranda: Thank you very much for hearing me out.

JOCK GOODMAN: My name is Jock Goodman. I live in the Villas at Puali. Actually, our home is right on Puhi Road, and I have been documenting by photographs which I have submitted to the Council for the last two and a half (2 ½) years, what I call violations, if it is not at this point illegal, it is certainly wrong, and needs to be changed. I sit in my living room and sit in my chair, and I look out the window and I see a canyon of metal, rusty, dirty shipping containers. I have seen them doing their commerce right there on the street backing two (2) trucks

back-to-back, which obviously means one (1) truck is facing the wrong direction on the road, unloading from the container to their delivery trucks. As she mentioned earlier when they park their containers, which is a container on a chassis, and leave them there for days. There is noise when they unhook it, the air brakes go “whoosh,” the “beep-beep-beep,” and then there is a big “clunk” when they park into it. When they are loading and unloading and they slam the door, you can imagine the sounds on an empty container slamming a giant metal door. I also see several of their trucks, the actual truck that pulls the trailers parked on the west side of Puhi Road in the grass, dirt, mud. Two (2) or three (3) of them, or at least two (2) of them, I have seen they removed the license plates because they are dead trucks, they do not drive them, they just store them on the side of the road, because they do not have room for them. If you are going to open a Toyota dealership, you do not have room for three (3) cars, you need to have a baseyard, so they have been conducting business using County property, and influencing our quality of life in our neighborhood. Does anyone have a quick question about what I have said? Okay. I have objected to this for years. I hope something can be done. I hope the Council will understand what we are going through and put a stop to their doing business and using Puhi Road for storage. I have seen trucks there for weeks at a time. The police tagged some of them, and they were left there. She said earlier that it is cheaper for them to pay a couple of fines than to find a bigger baseyard. Now, I realize it is hard to find a bigger space to do your business—that is not my problem. Thank you very much for your attention.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify for the first time? If not, Joyce, did you want to talk another three (3) minutes?

Ms. Miranda: Again, Joyce Miranda. To conclude, it is cheaper for them to pay fines and to peel off their licenses and store it than go and invest in a baseyard like they need to—I understand that, and I understand how you are wanting to address it through fines and so on, but it is going to take a lot of fines for them to equate out of between seven (7) to twenty (20) containers parked at any given time. I think you should bring in the Matson, the container companies, as well to enforce this, just a ticket will not do the job. Thank you very much for hearing us.

Council Chair Kaneshiro: Thank you. Is there anyone else? Jock.

Mr. Goodman: I have also noticed they are parking and storing, double-parking, the containers on chassis, and the undeveloped area of Puhi Road between Villas of Puali and the next subdivision up to the north, there is a valley or a gully there. They have chopped into the trees and bushes, and they will double-park two (2) containers. I have documented some of them that have been there for over a month at a time. Their storage warehouse in the Puhi Industrial Park has “x” number of square feet; they are obviously doing huge business because they are using Puhi Road and containers to store whatever people are paying to store in their warehouse. I had another point on that. As I have said, they have outgrown their space, and the noise...we had a lady in our neighborhood who works as a real estate agent, and she came by our house, looked out the window, and said, “You know, that hurts your property values, nobody wants to buy a house when you look out the window and see that.” I agree, I cannot argue with the fact that it is industrial on one side and residential on the other side, I think the County should help minimize

such close association of different zoning, and some areas on the mainland, I understand, there are buffer zones like a retail space between heavy industrial and residential, and we do not have that here. Also, all of the industrial parks, any of us who have lived here on Kaua'i for any length of time, and I have been here a long time, go to an industrial park, and there is no place to park; somehow, they do not allow enough space for the business to operate with their vehicles, their employees vehicles, and their customer vehicles. Apparently, no one wants to spend money on space for cars, they want to use the money to buy space to operate their business, which makes sense, it is just not right. I wish that the County would consider when industrial areas are open that they require "x" amount of space of parking for customers, employees, and their own vehicles. Thank you very much, I appreciate it.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? If not, is there anyone on Zoom wishing to testify? Seeing none. Are there any further questions from the Members?

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

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

Councilmember DeCosta: I want to say, sorry it took this long, there is protocol that we go through avoid liability with this contractor. We were on it from the beginning, we just had to go through our protocols. We are on this issue for you folks. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I appreciate the testimony today. I also want to apologize for it taking this long. We had been doing work for a while trying to figure it out, and I appreciate the Department of Public Works coming to us with this Resolution today. It is clear that a private business should not be using a County road, especially one adjacent to a residential area, as a baseyard. I think this is a good step, and we need to see if it works. I think you folks have a point that possibly fines could be the cost of business for a company. I am hopeful that it will work. I am hopeful that there are other measures, like our Managing Director said, to ensure compliance, but this is certainly a step in the right direction. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Again, I also apologize. I believe you know that for many months, close to a year, I have been working on this, and that has included talking to the company, going so far as to help them find another baseyard, understanding that they cannot find it, they are funded for it, but the public space cannot be where it happens. So, it is a critical issue, I have reached out to the container companies, I have worked really hard on it, and I am pleased with the help of the Department of Public Works, we tried to figure out a way to not stop people from being able to have their own guests come to visit for three (3) to four (4) hours,

or people to be able to park for a number of hours for work. By the way, I did specifically invite the company that has an impact on this to this meeting; I always try to get all sides to the table in a conversation. This Resolution for no parking is a first step and I apologize that it is not aggressive enough. I want to say to Mr. Goodman, I definitely hear it, that when we have an industrial park right next to residential area, it is a challenge, and my understanding when they opened up that residential area that it was supposed to be that gap housing, more workforce available housing partly, because of the valuation challenge of being right next to the industrial park. We were looking for places for lower-cost development, so I think that was somewhat known. I really appreciate the photographs that were brought, because you did a very good job of illustrating how this public space is an industrial baseyard. When we are talking about children walking from the neighborhoods that are right next to schools and to the buses—it is dangerous, it is a problem. There is a bus stop right there. I have sat there and watched the movements in and out, so I understand that there is a real challenge, and this is the first step.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: A lot has been said, but I just appreciate you folks coming forward and representing the Villas at Puali, and understanding what is happening, and just addressing it now. It has been overdue, but we are at the point now, where we are talking about it. I have heard also from numerous residents there. I just appreciate the discussion and we look forward to following this every step of the way. *Mahalo.*

Council Chair Kaneshiro: Is there anyone else? For me, I wholeheartedly am in favor of this Resolution; it did take a while because it is something we have not done before. How do we prevent a certain type of vehicle on a road like that? I know when we first talked about it...can police enforce on it? And the police said, without a law or resolution we cannot enforce on it. Then, we went to the department and asked how can we do this? We have never done it before; how do you restrict certain types of cars from being here? It is the first of its kind. Obviously, it takes a while to do, it has to go through legal, and does it make sense for the area. When we do things like this it sets a precedent, because people are going to want to use resolutions like this all around the island. I know in this case, it is justified, in other areas they might just not like the people around them and want a resolution like this. It makes sense, and I do not blame you, it is a mess. We have been out there. I have gotten calls from close friends who said these containers are all over the place. It is bursting at the seams. I know that company probably had opportunities to lease land at other places, but I do not think they cared, and if they did care, they would have done something about it, but it has reached a point where something has to get done. I am glad this Resolution is here, and I am glad it will help. I am hoping the tickets do deter these folks from parking there, and I hope it all works out. They definitely should not be parking there. In this case, the housing came after the industrial, so to ask for the industrial to have a buffer would not be possible. We would have had to push the housing out away from the industrial, which probably would not have made a lot of sense either. I am in full favor of this Resolution. Is there anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2022-47 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.

Resolution No. 2022-48 – RESOLUTION AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DESIGN AND CONSTRUCTION OF BEST MANAGEMENT PRACTICE IMPROVEMENTS AT VARIOUS KAUAI REFUSE TRANSFER STATIONS, PROJECT NO. C150059-25

Councilmember Kualii moved for adoption of Resolution No. 2022-48, seconded by Councilmember Carvalho.

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

Councilmember Cowden: Troy, is this the same situation that we just had with the water pollution State Revolving Funds? Is this ongoing ways of how we manage this?

There being no objections, the rules were suspended.

Mr. Tanigawa: Yes, that is correct. This is another SRF loan, with a similar interest rate. The loan that we are seeking is in addition to a loan that is already approved. We are adding another seven million dollars (\$7,000,000) onto the loan to be able to encompass all of the improvements we need at the refuse transfer stations.

Councilmember Cowden: I have a question for the Department of Finance. Hello, Reiko Matsuyama, Finance Director. I appreciate all the work we get, and just as we have talked one-on-one regularly, I always get nervous as we get loan after loan. Are we paying off earlier loans at a rate where we are not deeply increasing our debt level? Just so I know, I am not trying to not go with this.

REIKO MATSUYAMA, Finance Director (*via remote technology*): We do not pay anything early, although we could, and we could use the Reserve Fund based on the Reserve Policy, so we could take from the reserve and make early debt payments. We pay everything on time and regularly, so we do not incur any other fees, and that goes for all of our loans—general obligations, as well as SRF payments.

Councilmember Cowden: Okay, I did not mean are we paying early, I mean earlier loans that we have, I am wondering if our level of debt is increasing annually, or are we holding it relatively stable, at least as a ratio to our revenues?

Ms. Matsuyama: Kind of what Managing Director said earlier, our debt capacity is really high, so we can go really high for that. I cannot tell you off the bat if our debt level has been increasing as it relates to SRF. I know for general obligation bonds, it has been decreasing because we have not had any since 2017.

Councilmember Cowden: Okay. Good. 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? Seeing 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? If not, roll call vote.

The motion for adoption of Resolution No. 2022-48 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.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2889) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-6.3(g), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Niihau Minimum Tax*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2889) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 16, 2022, and that it be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: I will suspend the rules. Councilmember DeCosta, do you want to describe this Bill that you are proposing?

There being no objections, the rules were suspended.

Councilmember DeCosta: Thank you, I am proposing this as a co-introducer with Councilmember Evslin, so I want to thank him for all the hard work that we put in, and to also thank the Finance Director and the Real Property Tax Division. This Bill came about when we were doing our Bill for an Ordinance relating to Agricultural Dedication. Ni'ihau is a very unique area, and it falls under one (1) large tax dedication, and through correspondence with Reiko, Finance Director, and co-introducer Councilmember Evslin, we came to a conclusion that we are going to come up with a one-time flat tax, which is equivalent to what they were almost paying a few years ago, so it would not change much. The uniqueness of their island and the cultural and traditional lifestyles that they provide for the original *kānaka maoli* from that island is very unique, and their farming tactics without water is very tried, and the limited amount of County services, we came up with this, and the Department of Finance will appreciate it, because it will be an easier way for them to allocate that. My co-introducer can add if he would like to.

Councilmember Evslin: One, Ni'ihau is obviously unique and not using County services, essentially including police protection and fire protection out there. As Councilmember DeCosta said, this came up during the agricultural dedication discussions where Ni'ihau does not have the water to comply with the terms of agricultural dedication, so while we were working through the agricultural dedication bill, we had to deliberate on whether to try and draft something unique to Ni'ihau to allow them to continue with the agricultural dedication program with the agriculture that they are trying to do given their limited amount of water, which could end up with some very complicated provisions, and instead, given the uniqueness of Ni'ihau, the fact that they do not use County services, and they do provide housing out there, that there are limited uses out there, and that they are doing agriculture to the greatest extent possible given the water. A minimum tax was the simpler route. As Councilmember DeCosta said, I believe there was a tax bill of somewhere around thirty-two thousand dollars (\$32,000) in the past when the whole island was under the agricultural dedication provision, and the Department of Finance could probably explain it a little bit better, but my understanding is that thirty-two thousand dollars (\$32,000) was based on an earlier calculation based on soil rates, which was based on sandy soil at a very cheap rate. As they moved them to a different soil rate system under the previous agricultural dedication program, their property taxes went significantly up, so this is essentially going back just slightly above what they were traditionally paying in the past.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: My quick question to either of the Councilmembers introducing this is, are you saying that this is necessary because it was not included in the agricultural dedication bill?

Councilmember Evslin: Yes, we ended up not coming up with anything to address Ni'ihau through agricultural dedication. Given the current agricultural dedication bill we passed and the rules that would be drafted by the Department of Finance regarding cattle ratio and animal livestock stocking rates, my understanding is that Ni'ihau would find it extremely difficult to impossible to comply with agricultural dedication given the lack of irrigation capacity or rain water.

Councilmember DeCosta: I would like to add to that if I may, Councilmember Kualii, the uniqueness of how their animals travel to forage and eat the grass in the one (1) location of their water source does not allow them to put the cross fencing that you need for a proper agricultural dedication. So much thought went into this, and it seems like all of the County is very excited. Thank you.

Councilmember Evslin: The Findings section of the Bill, recognizes that if any significant change of use of the island should or could result in the minimum tax being rebilled. So, it is looking at the island as it is, give the minimum tax. Upon any significant changes, future Councils should look at changing the minimum tax rate.

Councilmember DeCosta: Those changes would be if they would come in for any kind of resort rezoning or something like that, but as it is right now with the housing and cultural traditional style of life they provide, this would be accurate. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: My question is for Reiko. I am just wanting to make sure that the legal definition of "minimum tax" means, like Councilmember DeCosta started off using the term "flat tax." Flat tax sounds like it is not going to move. Minimum tax means, it is never going to drop less, if we just think of colloquial terms. Does minimum tax mean it will not raise above forty thousand dollars (\$40,000)?

Ms. Matsuyama: Yes. Kind of how the minimum tax is structured, is that it cannot fall below that tax, but it is basically a flat tax, so they would pay twenty thousand dollars (\$20,000) per cycle and get the forty thousand dollars (\$40,000) annually.

Councilmember Cowden: Okay. I am just curious also...I am very happy with this. I saw it had gone up to one hundred thousand dollars (\$100,000) more for this last year, so I am really thankful for this. What is also important besides the animals is they do not get any County services, so it would seem like they should have a flat tax, regardless, we do not put in roads, we do not have any utilities, or anything, so is this only tied to agriculture or is this just in general? It looks like this is in general, right?

Ms. Matsuyama: That is correct. It would be for all of their operations that they have over there. They basically have their own community, so their tax class is Agriculture right now, and they would remain at that tax class, and just pay the tax of forty thousand dollars (\$40,000). As for the services are concerned, you are correct, the only services that they would potentially receive would be emergency services: Police, Fire, KEMA. You are right, they do not have trash pickup, roads, or any of that.

Councilmember Cowden: Yes, they do not have that. If their animals got sick or had some terrible thing, they would still have this minimum tax applied.

Ms. Matsuyama: Correct.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, is there anyone in the audience wishing to testify? None. Is there anyone 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 on this? It is first reading. Councilmember Evslin.

Councilmember Evslin: If I could just clarify really quick, I was going back to my notes to double-check. We checked with Kaua'i Fire Department (KFD) and KPD and they do not have response protocols for Ni'ihau. KFD cannot get out there with Air 1 and the fuel that they have on that helicopter, and because it is a private island KPD would need permission to go out there and do investigations of crime, et cetera. So, it is not as if the County is having additional staff on the westside and a bigger helicopter to respond to Ni'ihau if they have to, so in my mind, the County is not covering the capacity to serve them.

Council Chair Kaneshiro: Councilmember Kualii, then Councilmember Cowden.

Councilmember Kualii: The only thing I will add in my point of discussion is, I do not know anyone on Ni'ihau that is not still connected with Kaua'i that they are not on Kaua'i utilizing our services, roads, hospitals, or airport. Ni'ihau cannot stand alone, it is part of Kaua'i.

Council Chair Kaneshiro: Councilmember Cowden, then Councilmember Evslin.

Councilmember Cowden: I actually have a question. I am assuming that we talked to the landowners in this whole process, right? They were involved. I did not see a letter or anything. I would assume that they were part of the conversation.

Councilmember DeCosta: I can answer that very thoroughly. Co-introducer Councilmember Evslin, myself, with Finance Director, and Real Property Tax very thoroughly...

Councilmember Cowden: Spoke with them.

Councilmember DeCosta: Yes.

Councilmember Cowden: Okay, I just did not see a letter or anything, so it is my responsibility, as another Councilmember, to make sure that everyone is involved.

Council Chair Kaneshiro: Are there any other questions?

Councilmember Evslin: Just to respond briefly, I recognize what Councilmember Kualii is saying is right, I think "Ni'ihauans" are connected to Kaua'i, there is travel back and forth. In my mind, they are paying for the services they use on Kaua'i based on if they are staying with family in a home, there are property taxes paid on that home, or if they have a home in Kekaha, then they are paying property taxes for that home, excise tax when there is economic transactions happening on Kaua'i, so I think to the extent that they are living on part-time or staying on Kaua'i and existing in our economy they are contributing to County finances through that mechanism. I want to recognize that it is a little bit nebulous here, it is not based on any one thing, so it is not based totally on agricultural use, it is not based on the fact that they are providing housing for living descendants, it is not based just on the lack of County services, lack of water, it is just looking at it all as a whole, and looking at Finance's difficulty and trying to figure out what is a fair way to tax them. This might not be perfect, but it seems like the fairest way forward.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to say, I support this enthusiastically. This measure relates to what I was asking about while we were in the agricultural dedication discussion. I felt that Ni'ihau should be separated and handled differently, so I thank you both for addressing that, and I feel better because that was a challenge for me when I saw the tax assessment that they had incurred in the last year.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I just wanted to say that I am very happy to know that the whole Ni'ihau leadership team was involved in every step of the way—that is a good thing. It was not just talking story separately. I saw that and also got good responses from some of the key leaders in the Ni'ihau community—that was a great addition to this whole discussion.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I cannot reiterate anymore that this will be good for the Finance Department and the cultural aspect of Ni'ihau and the housing and the lifestyle they provide for the true *kānaka maoli* of that area. I happy that we are able to do something like this.

Council Chair Kaneshiro: Is there anyone else? For me, I do not know if I will be here for the second reading or Committee Meeting on this one. I know that on the County side it is much easier to implement by having this flat fee, I think on the Ni'ihau side, Robinson side, and owner side, it gives them predictability. I do not

expect them to be here, because it is not them coming and saying, "I need a tax rate at this," or "Give me a cheaper tax rate." It came from the Councilmembers in discussion and saying this is a better solution for everyone, so for them, if it passes, and you are good with it, we are good with it. I think that is where it is coming from, and it is good on their end—it gives them predictability. Again, Councilmember Evslin and Councilmember DeCosta mentioned all the different unique qualities of Ni'ihau and all the different things that go on there is very difficult for us to be able to assess a value on it, and what is the right tax rate we should be applying to it. I am in full agreement with it. Again, if things change, the number can always change, but at this point in time, I think it is an appropriate way to approach it. I will be voting in favor of it on first reading. I will not get a chance to vote on it later. Is there anyone else? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2889) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for November 16, 2022, and that it be referred to the Committee of the Whole was then put, and carried by the following vote:

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

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

Council Chair Kaneshiro: With that, we are at our ten-minute caption break. We will take our ten-minute caption break and we will be right back.

There being no objections, the meeting recessed at 10:30 a.m.

The meeting reconvened at 10:44 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back, we are on page 6, Bills for Second Reading.

BILLS FOR SECOND READING:

Bill No. 2880 – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUA'I (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1)

Councilmember Kualii moved to approve Bill No. 2880 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? Is there anyone else in the audience wishing to testify?

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

MANUEL DESILVA, JR.: Good morning. I am here more to answer any questions that you may have on the particular Bill.

Council Chair Kaneshiro: Are there any clarifying questions? I believe everyone is comfortable with the Bill as it is.

Mr. DeSilva, Jr.: If not, thank you for considering this Bill. Well appreciated for this to go into effect.

Council Chair Kaneshiro: Thank you.

(Councilmember Chock was noted as present.)

Council Chair Kaneshiro: Is there anyone else? Is there anyone on Zoom? Seeing none.

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

Council Chair Kaneshiro: Is there any discussions from the Members? If not, roll call vote.

The motion to approve Bill No. 2880 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, Kualii, 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. 2881 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI *(Manuel DeSilva, Jr., Trustee, Applicant) (ZA-2022-13)*

Councilmember Kualii moved to approve Bill No. 2881 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 item? It is related to the Bill we just passed. Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Seeing none.

Councilmember Kualii: Before we move on, can I ask Ka'aina a quick question?

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

Councilmember Kualii: Ka'aina, when we look at the map, this is bringing back what we already talked about in the Committee Meeting, there was this one (1) property surrounded by all these other properties with the rural designation, but at the bottom of the map, there are two (2) areas for agriculture; how do you designate the difference between this entire area versus this entire area? The basic justification on this was it was already surrounded by rural, so it does not make sense that this property is tucked away and not able to get the same designation as the surrounding, but then there is a line somewhere between the "R" and the "A" on this map.

There being no objections, the rules were suspended.

KA'AINA S. HULL, Planning Director (*via remote technology*): Thank you, Councilmember Kualii. Ka'aina Hull on behalf of the Planning Department. The General Plan actually designates much of this area recognizing small farms and small agricultural lots and/or rural lots with multiple dwellings on it, so there is no specific line per se, delaying between this property and the other agricultural properties.

Councilmember Kualii: I guess what I am getting at then, is there an adjacent property just south of this that is currently in "A" that can also come forward and make the same application?

Mr. Hull: We have not reviewed those specific properties; I will have to get back to you on that.

Councilmember Kualii: Okay, it is kind of following up a little bit on what some of the comments that Councilmember DeCosta made in the last meeting, so if there are obviously other potential properties, I do not necessarily think it is our job to go out and promote it, but it would be good to make it known that it is possible so people can come apply if they think they can.

Mr. Hull: Definitely, I will just add to that, some of those larger properties, and even if you talk about the region as a whole that do not enjoy State Land Use Rural or Urban designation could not be reviewed in tandem the way that this property is with the land use designation and the zoning designation because some of the properties are a lot bigger than fifteen (15) acres, and once you go over fifteen (15) acres, then you need to go through the Land Use Commission first, then if that approval is granted, then the request can be made before the County Council for the respective zoning.

Councilmember Kualii: Thank you so much.

Council Chair Kaneshiro: Are there any other questions?

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?
Councilmember DeCosta.

Councilmember DeCosta: I just want to piggyback on what Councilmember Kuali'i just said. Ka'āina and Mr. DeSilva Jr., thank you. This is a very important tool. All seven (7) of us stress public housing, we have shown through our actions on the two percent (2%) property bill that Councilmember Evslin and Council Vice Chair Chock introduced, and we are moving towards having more supply. You bring supply, it brings the demand down, then the price comes down. If there are other areas under the fifteen (15) acres that would qualify, I would like to see local families, generational families be able to put their children on their land; it would be a good thing. Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you, Chair. *Mahalo* to Ka'āina. We get a lot of these requests from our residents to try and make a difference, and of course we want to help and get people, our local residents into houses. I am not always enthusiastic when I get a call, so when Mr. DeSilva, Jr. called, I said, "Do not get your hopes high, we need to talk to Ka'āina about this," but what I want to appreciate Ka'āina for is, we are still a small enough island where we can look at parcels individually and not blanketly and say, "This is how it fits and this is why we can do what we can under these conditions," and it was not for that, then the blanket response would be, "Sorry, Mr. DeSilva, Jr., we cannot do it." But because of that and the leadership that we have here, the willingness to look at it and make it work, I think it needs to be recognized where it can be, that is where we want to support, so thank you so much for the Planning Department is leadership.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to follow up with what you just said, Council Vice Chair Chock. Ka'āina, local boy, living in an agricultural area of Ōma'o, educated, come back, and running the show in the Planning Department, that is the reason why he is able to connect with Mr. DeSilva, Jr. and understand your needs; we are all on the same page. I just wanted to give a "shoutout" to Ka'āina for that, it makes my heart very fond that Kaua'i has hope.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am piggybacking on what Vice Chair Chock said also, in that where we can, I believe we should—we have such a crisis. When I see it is a family compound, to me, it is ideal, and that is something I would like to see in our planning elements where we allow community-first housing, and a family compound is the closest thing to community-first. So, as we look at the cost of elder care, childcare, all these different elements, that when people are separated out into housing that the County might build, does not reach the same agenda in the same way where we are able to take care of whole families in a really constructive way, and we could hopefully have agreement in how their is food grown, everything else hits the ideal of what we are talking about, so I am happy for it.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Again, the Planning Department is just leaps and bounds ahead, always of moving forward, and the DeSilva *‘ohana* is about *‘ohana* and family, we have talked about that in numerous ways. What I like that was just mentioned is *kūpuna* care, as well, this is from *keiki* to *kūpuna*—this is just another step forward. I think we are going to get other options and opportunities like this, and we should remain open to that. *Mahalo*.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Just to piggyback on what everyone has been saying here. For me, the big difference with this and other properties, as Vice Chair Chock and Councilmember Kualii were saying, was the fact that it is surrounded by higher density uses already. I think that this is the approach that we should be taking where possible, either through the under-fifteen-acre process that we can do on our own, or through the Land Use Commission (LUC), but possibly expanding the Urban district around our existing towns instead of changing density or buildout capacity on agricultural land. As Vice Chair Chock said, we receive these types of requests more than anything else—owners of agricultural land saying they want to be able to build more, and I think we should not be spot zoning far away in areas that are disconnected from our towns. We should not be blanket-increasing density or buildout capacity on agricultural land, but we certainly should be doing it like this, looking at situations where surroundings are higher density uses are directly adjacent to an Urban district with high intensity uses, or especially directly adjacent to an existing town with jobs—these are opportunities to potentially expand housing options. I appreciate the direction here, and hopefully we do not go in the other direction in the future. Thank you.

Council Chair Kaneshiro: With that, roll call vote.

The motion to approve Bill No. 2881 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, Kualii, 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. 2882 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*)

Councilmember Kualii moved to approve Bill No. 2882 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 item? Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Seeing none.

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

Council Chair Kaneshiro: Is there any discussions from the Members?
Council Vice Chair Chock.

Councilmember Chock: I want to thank Councilmember DeCosta for introducing this with me. I know when the original Bill came up there were a lot of questions about how we will find a middle-ground in being able to not exclude our community and particularly our children from being able to access great programs that are hands-on approaches, and I think everyone around the table will be supportive of it. There is probably more to look at as it moves forward, but I think this is the first step in understanding, at least to the age of eighteen (18), how it is we can open the door up, perhaps in the future when we learn more and get a better handle on how it is we can regulate the balance that we are talking about, you will see it for college-age students, as well. With that, thank you so much for supporting.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to thank my partner and co-introducer Vice Chair Chock. We worked really hard on this, and this is a tool to allow our youth from the elementary age to high school graduation to actually enjoy

outdoor curriculum activities in a camp setting, in a carefully-planned manner. Thank you so much, Vice Chair Chock.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am supportive of this, and I appreciate Vice Chair Chock's comment on how we make it...this is a step, there might be other steps; I know that there are private camps that actually do some really great things for the whole family. I will not even mention them, because I do not want to create problems, but there are really good projects that are not commercializing, that are therapeutic or positive family generation things that happen, and it is not commercialized, so there might be other ways later. Thank you both for creating this that keeps that door well open for our youth camps that have supported us and will continue to be able to grow.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just wanted to say thank you, too. I do not know why this is jumping at me now, I wish it had when we were working in Committee, but the language about education for our youth, eighteen (18) or younger, and it says about the "cultivation, production, and sale of agricultural products." In my head I am seeing, and I hope it is included in here, "cultivation, production, and sale of agricultural products," I am seeing like a youth camp with animal husbandry with horses or something, so hopefully it is also included here, and if not, maybe in the future we can add that. But I support this wholeheartedly.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: That is a good point, maybe we could do an amendment if you would like. What I want to echo is about stressing eighteen (18) and younger. I understand there are great adult groups that do therapeutic things, but we need to make sure that that does not create a loophole for adults to get into a "glamping" thing and call it a health retreat or a yoga retreat, so this is why Vice Chair Chock and I held it to this age bracket to make sure to control what could possibly happen if there is no age factor.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Just to add more to it. I appreciate the Bill, but more than indoor and outdoor classroom settings, I think the big part to me is the youth. This is just another step, so I am very happy with the outcome of it, I know the discussion has been taking a long time, but that thinking of our youth is a big part of this whole thing, so I just wanted to emphasize that.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I support the Bill. When we passed the original Open Campgrounds Bill, we knew that something like this was going to be necessary in the future. I appreciate the work done by Councilmember DeCosta and

Vice Chair Chock. Actually, I went to camp a couple of times on O'ahu at Camp Mokuleiea when I was growing up, and it was a great experience for me, and I do think we need opportunities like that on Kaua'i.

Councilmember DeCosta: I went to the same camp.

Councilmember Evslin: Really? I was the only Jewish child at the Seventh-Day Adventist camp.

Councilmember DeCosta: I think you were the one we were harassing.

Council Chair Kaneshiro: Roll call vote.

The motion to approve Bill No. 2882 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, Kualii, 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. 2883 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Kualii moved to approve Bill No. 2883 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 item? This is for State of Hawai'i Organization of Police Officers (SHOPO). Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Seeing none.

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

Council Chair Kaneshiro: Is there any discussion from the Members? I will just say, I am in support of this collective bargaining agreement. It has been arbitrated; it is similar to other ones that we have passed recently. Again, I think the Police Department always needs help in their recruiting process, pay is a big part of it, but I do not think pay is everything; it helps, but we all see how difficult of a job a police officer has, and we can increase pay as much as we want. I still do not think

we are going to be able to fill all of our vacancies there just because of the type of duties they have, the high stress job that they have, and they are an important part of keeping us safe, and keeping Kaua'i going, so I am in full support of this. Is there anyone else? If not, roll call vote.

The motion to approve Bill No. 2883 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, Kuali'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. 2884 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

Councilmember Kuali'i moved to approve Bill No. 2884 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 item? This is for the lifeguard collective bargaining. Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Seeing none.

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

Council Chair Kaneshiro: Is there any discussion from the Members? I will say it again, I am in complete support of this collective bargaining agreement for lifeguards. Lifeguards are an important part of Kaua'i, they are an important part of keeping our beaches and our public safe, and they deserve the increase. The increase is similar to what everyone else has had, maybe a little bit lower than what public safety has, but similar to what Hawai'i Government Employees Association (HGEA) and everyone else has had. I am in full support of this. Councilmember DeCosta.

Councilmember DeCosta: Again, I want to reiterate the great job that my classmate Kalani Vierra does out there with his group of Assistant Chiefs and his men and women out there saving lives every day. I do not compare them to Fire Department members, although they do put their life on the line, but if you have ever had a drowning experience and had a person save you, the rescuer can be drowned by that person who is drowning, and the lifeguards are amazing people. This raise

and this bargaining unit contract is long overdue—much “props” to them. I do not think we give them enough, but today we did.

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

Councilmember Cowden: Both Police and Lifeguards, I very much support both of them, and appreciate their hard work and putting their lives on the line. I think we have had a particularly profound week this past week with the terrible drowning death of a young Samoan man at Kalihiwai Beach. Our first responders put their hearts out for them and did everything they possibly could. From the U.S. Coast Guard to Police to Fire to Lifeguards, Ocean Safety, I cannot say enough good things about our team.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion to approve Bill No. 2884 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, Kualii, 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. 2885, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9)

Councilmember Kualii moved to approve Bill No. 2885, 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 item? This is Plantation Camps. Is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Seeing none.

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

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

Councilmember Cowden: I am happy. I hope this is a template that we can use in other places. I know there was a little bit of resistance, at least from one (1) person, but I think having agricultural community villages, which is what this basically allows to have happen, is a direction that we need to go in, both for our agricultural needs and for our housing needs in alignment with our community values.

Council Chair Kaneshiro: Is there anyone else? I agree. They are housing people right now. It is on agricultural land, they have had these houses there for close to one hundred (100) years, and it only makes sense to concrete it into its own type of zoning, which is plantation housing. I am in favor of it. Is there anyone else? Roll call vote.

The motion to approve Bill No. 2885, 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.

Bill No. 2886, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-14)

Councilmember Kualī'i moved to approve Bill No. 2886, 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 item? Council Vice Chair Chock.

Councilmember Chock: We received some testimony from Mauna Kea Trask regarding possible amendments. In all fairness to a response, as we looked through it, we discovered the possible potential amendments were not feasible for us, so I just wanted to give Ka'āina a chance to respond to them, so that Mauna Kea feels like he has been responded to as well.

Council Chair Kaneshiro: I will suspend the rules. Ka'āina.

There being no objections, the rules were suspended.

Mr. Hull: Yesterday, less than twenty-four (24) hours ahead of this meeting, I was forwarded proposed changes and concerns about two (2) definitions in the Bill. I can say, the concerns that were raised about Condominium Property Regime (CPR), I would actually have to totally disagree with because the proposal looked at eliminating the phrase condominium, and condominium is used interchangeably to refer to multi-family style development as well as condominium property regimes provided under HRS 514B, so to remove the condominium word would actually fully “muddy the waters” as far as what that is applying to. Secondly, there was a proposal to remove tenants from it, and while tenants are not thought of as being CPRs, in fact, they are via leasehold, so removing them would in part remove a whole category of individuals that do go through CPR processes. So, I wholly disagree with the proposal that was made for the CPR definition. Concerning the *kuleana* definition, I will be honest, I not disagree with the proposal that has been made, I think the proposal was made, and the testimony, we could support, the problem being that, this Bill has been worked on for several years, and through an array of different Planning Commissions and Council Meetings, all publicly noticed, months of work has gone into this, and here we are at second reading, and Mr. Trask, we all know the protocol here, is that no amendments are entertained at second reading, so I would say, if the Council feels that they would like to go back and adjust the *kuleana* amendment, I do not think it is necessary, but if the Council would like to, I would respectfully have to ask you folks to actually just remove that definition, and that can be worked on at a separate time with Mr. Trask on a separate Bill if a Councilmember wants to introduce it, but years and months of publicly-noticed meetings have gone into this Bill, and this is a big Bill, and to try and hold it up off of one (1) definition that we do not see has much substance to it, we do not object to it, but again, if Council is inclined to make that change in that one (1) definition, I just ask for a motion to amend to fully remove, and that a separate Bill be proposed.

Councilmember Chock: Ka‘āina, if you can also, I believe one of the responses was that while it might be valid, the HRS clearly articulates the historical difference between *kuleana* and so that it is not necessary, but could be done for clarity in the future, is that correct?

Mr. Hull: Correct. It is specifically iterated in the HRS already, that is referred to in the definition that we are proposing.

Councilmember Chock: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions?
Councilmember Evlsin.

Councilmember Evslin: Ka‘āina, this might be a Matt question, but from looking at Mauna Kea’s proposed definition, which really just mirrors the HRS, which is cited in your proposed CZO definition, and I think a large component of the change is to say that these were awarded in 1850, not 1848. Is there any situation you can see where that definition could make a legal or policy difference on your folks’ side?

Mr. Hull: I would have to defer to Matt on that.

Council Chair Kaneshiro: Mark.

MARK L. BRADBURY, Deputy County Attorney (*via remote technology*): I do not have those definitions before me, so I really cannot comment on them.

Council Chair Kaneshiro: Okay. That would be the reason, if you wanted to make a change, I would say, we send it back to Committee, or leave it, or work on it later, but I do not think we should try to change it here on second and final reading.

Councilmember Evslin: Okay.

Council Chair Kaneshiro: Are there any other questions from the Members? If not, is there anyone else in the audience wishing to testify? Seeing none. Is there anyone on Zoom? Mauna Kea.

MAUNA KEA TRASK (*via remote technology*): Good morning, Mauna Kea Trask, for the record. Just to clarify, I am not asking for an amendment today, I just want confirmation with regard to the CPR law, only because I am a practitioner. As you know, when the court interprets the statute, they look at the plain language and how it is written, and if there is any ambiguity, they look at legislative history. The Council does not really do a lot of legislative history, that is not a criticism, it is just a fact, so I just want confirmation today, that the definition effectively means that as long as a CPR is formed pursuant to the tenets of HRS 514B, then it is a CPR, and the only reason why it could be a nuance distinction, but it happens sometimes, the current proposal says that all owners, including lessees sign off on the declaration, et cetera. Now, I do not see that as a requirement under State law, so as long as additional actions are being proposed, and there is no preemption problem, that is fine, I just want to note it for the record. With regard to the *kuleana* definition, again, as most of the native Hawaiians with respect to the...it is just not right, it is not the correct definition—we all know it. With regard to the comment that this has been months or years in the making, well the definition of *kuleana*, has been around since December 21, 1849—that is one hundred seventy-two (172) years, nine (9) months, and twenty-eight (28) days, so that is longer than the statute. Again, I am not asking for an amendment, I do not want to derail a process, I am just thinking that we see a lot of confusion nowadays with regard to what is a *kuleana*; it could come up in places like Hā'ena, Wainiha, and Moloa'a, which during *hui* land times, prior to their respective partitions, the *huis* named their allotments *kuleanas*, and a lot of old-timers still think their *hui* lots are *kuleana* lots, and that leads to confusion in the County and themselves, and I know from firsthand experience. So, it is just an effort to make things accurate, and per HRS Section 1-1, which governs common law in the State of Hawai'i, it does notice law fixed by Hawaiian traditional precedent or established by Hawaiian usage, which I think it should be accurate. Again, as long as I get confirmation on the CPR definition and note for the record for the *kuleana* definition, so more for a public posterity, that is it. Thank you.

Council Chair Kaneshiro: Thank you, Mauna Kea. Is there anyone else on Zoom? Seeing none. Are there any further questions from the Members on this? Councilmember Evslin.

Councilmember Evslin: If we could get clarification from Kaʻāina regarding the CPR question to confirm that this is not changing the actual definition or application of a CPR, and it will not require all lessees.

Mr. Hull: I am sorry, what was the question.

Councilmember Evslin: Mauna Kea said it better than I can in his testimony, but from what I understood what he was saying is that, given that our definition here is slightly different than the HRS definition in that it references “including all the lessees of a property expressly declaring,” et cetera, what he has questioned as I understood was to ensure that this in practice is not going to require anything different of a CPR that the definition of a CPR is still as defined by the State.

Mr. Hull: The County of Kauaʻi does not process CPR applications. So, this definition just respects the fact that CPRs are utilized...the term is utilized throughout our Code, and right now, we do not have a definition for it. The way that this definition was set up, it is just acknowledging the uses. We cannot change how CPR applications are processed—that is strictly and solely under the authority of the Hawaiʻi Real Estate Commission.

Councilmember Evslin: Again, Mauna Kea can speak better to this than I can, but certainly, there are situations that the County is...off the top of my head, real property tax purposes, we are recognizing CPRs for tax purposes, and I do not know if they are referencing our CZO definition or they have their own definition or they are just going straight off whatever is recognized by the Hawaiʻi Real Estate Commission, but I think just for total clarity for lawyers who are processing CPRs, when it says here, “whenever the sole owner or all of the owners, including all of the lessees, that then in practice though will not require anything different from anyone for any County recognition of a CPR.

Mr. Hull: That phrase should be consulted directly with private sector attorneys who process CPRs that recognize leasehold situations the CPR applications would be applicable to. Again, I am not here to fall on the sword for this definition, and all I would say, if there are concerns from Council, that I will respectfully ask that a motion be made to remove this definition, and maybe worked on a later date with Mr. Trask.

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

Councilmember DeCosta: I have one for you Kaʻāina, and I hope Mr. Trask is still listening. Did Mr. Trask come to you sooner than today’s meeting with this information, like maybe during Committee or even during first reading when it was first introduced, so we could have solved all of this before today? This is final reading, and we are looking at making some kind of change and normally we do not, so I just want to know, did he come to you before?

Mr. Hull: No.

Council Chair Kaneshiro:

Council Vice Chair Chock.

Councilmember Chock: I would just recommend that if there may be potential changes based on the conversation, that we move forward with the request to pass this through, and if there needs to be a cleanup through further vetting with Mauna Kea or any other lawyers, that it happens at a later time given that we are at second reading.

Council Chair Kaneshiro: I would agree, because if not, we will be holding up a whole bunch of definitions at the same time based on two (2) that we are trying to tidy up. I did not hear that the definitions that we have are not acceptable. I think for the most part they will work, and if we want to try and improve something, we can at a later time. If not, if you folks want to work on it, you can send it back to Committee. I am fine with that too, but I would not want to hold up all the definitions based on things that I have heard Ka'āina say have been mitigated. It can be improved upon, but for the most part it is mitigated. Councilmember Evslin.

Councilmember Evslin: One final clarification question. I am not intending to amend this. From Mauna Kea's testimony, he is not asking for an amendment. I think the clarification for the record is important. Ka'āina, this is mostly based on my lack of understanding on how you folks process these CPRs, but my understanding is, when it gets processed by Hawai'i Real Estate Commission they come to the County, to you folks at some capacity, this came up with our zero-density CPR Bill, which ended up getting received, so all of those that are coming from the Commission get processed or approved based on your receipt of it, and to be clear, then if there is some slight difference and all the lessees of a property they declare, that is not going to change how you folks are receiving CPRs or processing them, correct?

Mr. Hull: All we review are requests from the Hawai'i Real Estate Commission on a CPR for if there are any potential violations inherent within the CPR; is there more density? Are they looking at violating setbacks? Are they looking at violating heights? Do they have existing violations? That is all we are looking at; we are not looking at specifically the owners or if it is a leasehold situation. In theory, if you take out the tenants and there is a leasehold situation, then that would restrict it to a situation whereby someone coming for a farm worker housing application where they may have a leasehold situation, under the definition within ours, they can say, "Sorry, you have to be an actual owner applying for it, you cannot move through the leasehold process," and if the Hawai'i Real Estate Commission does not want to allow the leasehold process anymore that is up to them. Again, all it says is that it broadens and ensures all those that are vetted through and received an approved CPR from the Hawai'i Real Estate Commission will be applicable in the CPR references made throughout the Code.

Councilmember Evslin: My final question, this definition does not result in a policy change on your end?

Mr. Hull:

Absolutely not.

Councilmember Evslin: Thank you very much, Kaʻāina.

Council Chair Kaneshiro: Are there any further questions?

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

Council Chair Kaneshiro: Is there any discussion from the Members?
Council Vice Chair Chock.

Councilmember Chock: Sorry to throw a wrench in there at the last minute. I just wanted to honor for transparency those questions that come in, as we all do. I like the clarification on *kuleana*, I hope that is something for the next Council, given we only have two (2) more meetings left, will address moving forward. At this time, I really appreciate the great work that has happened. There has been a lot of work, and it has happened over the last few years to get to this point, so I actually would be very hesitant to hold it back given the impact is really none too little. Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: I want to echo what Vice Chair Chock is saying. I am a Portuguese Spaniard, *kuleana* only came to me when I married my Kamehameha wife, but from what I understand, I think both Kaʻāina and Mauna Kea are Kamehameha School graduates, so both of them know about *kuleana* or the definition of it, and I cannot believe we are in second reading and that was not addressed earlier, so I think we need to address it earlier. But I will support this, and we can look at Mauna Kea's request in his testimony, because I am glad Councilmember Chock brought it up, because Mauna Kea does have a good point. Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: I appreciate Mauna Kea's submittal and *kuleana* is very important—they already clarified that, but at this point, we need to move forward, and we can address it—it is on the table right now, we can address it at a later time, but for now, I think it is important that we move forward and support this as-is.

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

Councilmember Evslin: I said this at Committee, and I just want to say it again, good work on the Planning Department, a lot of work went into clarifying these definitions, also from Council Services here, and in some sense a long time overdue or a long time coming and appreciate the clarity that these one hundred (100) definitions will help provide us. Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion to approve Bill No. 2886, 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, Kualii, 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: We will go back to page 3, Communication C 2022-235.

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.

Council Chair Kaneshiro: We already had a motion to approve. I will suspend the rules. Mike, if you want to go through your list again, or give us any further description since the last meeting.

There being no objections, the rules were suspended.

Mr. Dahilig: Thank you, Council Chair and Members. Mike Dahilig, Managing Director. At this point, we are not at this juncture proposing any additional adjustments to what we had proposed at the Council's last meeting. We did ask for the deferral because we knew it would incite a lot of discussion. I know there had been a lot of questions that had gone back and forth between individual Councilmembers that I am happy to elaborate further on, if they would like to discuss that on the floor, but at this juncture, I am available for any questions.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: We received a letter from the Hawai'i Government Employees Association last night that surprised me. Basically, I felt it was asking to attach the entire ten million eight hundred thousand dollars (\$10,800,000) as a result of hazard pay that they are getting from Maui. Can you speak to that, please?

Mr. Dahilig: We took a look at the testimony from HGEA and as they mentioned in the testimony, they have proceeded to want to move forward in arbitration for a point of hazard pay during the pandemic, so that their members would be renumarated a certain percentage based on the existing contract to get additional pay for working under hazardous conditions. Ultimately, we are in a position where if we were contractually obligated to pay something, we will come to the Council and say we need to pay it; however, as with any arbitration there are also opportunities for discussion and settlement, those also fall under the jurisdiction of the Council for potential settlement discussions, as well as having your input and authority be added to endorsing any type of potential payout. Obviously, we are in a position where we have differences of opinion on what defines the period of hazard pay, what is a hazard, how much is needed, and we have had some offline discussions with HGEA that have been healthy for that discussion, but all we can do at this juncture is say that we are in arbitration, and that the actual amount may not necessarily be clear, simply because of those factors that I mentioned are moving targets as to what will be defined. So, even understanding what a potential maximum liability of the County would be will be tough to be able to couch, and we are getting beyond HGEA, but United Public Workers (UPW), SHOPO and the Fire Fighter Association. Ultimately, we are not opposed to having discussions on these things, but at this point, I do not feel comfortable that I could recommend a maximum liability to the Council, because these factors that play into what is considered hazard pay are moving targets.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Mike, you mentioned that the process is going through arbitration already; is that the process right now?

Mr. Dahilig: We are moving forward with arbitration as set forth in the collective bargaining agreement as a point to resolve differences. Ultimately, that is the procedure, and it is mentioned in the testimony, that is not scheduled until the beginning of next year.

Councilmember Carvalho: If there is any kind of payout, obviously, whether it comes from here or whatever funding, there is a commitment to follow through on that.

Mr. Dahilig: At the end of the day, when we agree to a process and we agree to a contract, if we follow through with only whatever we want to follow through with, that would not make us bargainers in good faith if we did not commit to following through with decisions on contracts. I would like to point out that Maui County is the only employer at this point that has chosen to go through a

settlement process on how to handle claims by UPW on this. The State, Hawai'i County, and the City and County of Honolulu have not reached an agreement on any claims on temporary hazard pay made by any of the bargaining units with those respective employers. Right now, there is only one (1) example with one (1) union and that is Maui County at this point.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Just to be clear, you mentioned an ongoing arbitration, specifically with HGEA and then you mentioned three (3) other unions: UPW, SHOPO, and what was the third one?

Mr. Dahilig: Potentially HFFA.

Councilmember Kualii: Potentially HFFA. So, what you are saying is, in considering our potential maximum liability, we have to consider that, our only ongoing arbitration is with HGEA and that we are anticipating arbitrations also with the other bargaining units.

Mr. Dahilig: Right. What is incumbent on being able to determine the maximum liability is relying on the type of work, the period of work, and the level of hazard, because in some of the contracts there is differentiation between what is a hazard and an extreme hazard.

(Councilmember Euslin was noted as not present.)

Mr. Dahilig: There is terminology that is correct, so I do not want to use over the extreme, but each pays out at a different level. The City and County of Honolulu has gone forward with an individual-by-individual type of analysis; they are going through their own process at this point. What has reached the level of arbitration so far has only been with HGEA at this point. The other member unions have not reached that level of discussion with the County on where we are now in front of an arbiter. I would not be able to tell you the scope of what this could be or not be in understanding our budgetary structure. The Reserve Fund can be appropriated by the Council, but given that it could potentially be a settlement, it is something that we are going to have to engage in with potential bilateral discussions with the Council if it starts to reach that juncture.

Councilmember Kualii: I have not seen the details of the Maui County settlement, but if you are talking about things like the period that it covers and the type of duties worked that is eligible, do you anticipate that if the union members or

our workers are looking at the Maui settlement, that it will kind of represent...are the different counties going to be vastly different or more similar?

Mr. Dahilig: I think that is the difficulty with how, ultimately, the pandemic response went, and whether we start getting in discussions of things like prevalence of disease, enforcement, vaccination rates—those types of things. Ultimately, Maui County and Mayor Victorino made a decision to not want to present things like that at arbitration. Obviously, with the character and tenor of our particular response over the past couple of years, there are things that we did different than Maui, and there is the potential for that to be heard in the context of whether a hazard existed. Without getting into specifics on details on whether something did or did not exist...

(Councilmember Euslin was noted as present.)

Mr. Dahilig: ...that is why I mentioned that we have ongoing discussions with HGEA while arbitration is pending, and if there is some type of opportunity to globally settle these items, we will include the Council on that, but because hazard pay is by the day, it is something that defining that the “hazard” exists becomes a question that I cannot answer because it is fueled by what you define as a hazard.

Councilmember Kualii: My last question is, you kind of alluded to or mentioned reserves, so should we get to the point where we have our liability, we will pay it, but as far as this particular pool of funding—the ARPA funding—there are specifics that we can only use the funds for certain purposes, and that would not necessarily be one?

Mr. Dahilig: If it is related to labor in the pursuit of responding to an emergency like a COVID-19 emergency, there are interpretations that this could be eligible, but we have not earmarked any type of funding stream as a means of potentially paying, simply because whether we are obligated to pay is a point of discussion in arbitration.

Councilmember Kualii: Our committing these funds for these purposes now does not in any way change or affect our obligation?

Mr. Dahilig: No, and if we have a tab, then we will come to the Council and say, “We have a tab that we need to pay,” and we answer it at that point.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Mike, I talked to the union representative from HGEA this morning, and I asked them about having a number of employees that might fit into this category, the number of hours, until we figure out the bill that might come forth. We have ten million eight hundred thousand dollars (\$10,800,000), we have some projects allocated. For our constituents watching, we want to make sure we might be able to scrap a couple of these projects if we need to hold back two million dollars (\$2,000,000) for hazard pay. Mike, do you have a number possibly that we might be looking at with our employees that were at home safe, out of the COVID-19 hazard, and the ones that were actually working during the most hazardous time, which is probably the pre-vaccination time? I think once we started to get vaccinated, we were a little safer. That is what I would like to know, how much money we have available. Should we be allocating those funds for these projects, or should we hold off a little bit to see where Maui goes, and to see where we are going to be at?

Mr. Dahilig: Ultimately, it is within the powers of the Council to determine how to potentially look at liabilities and budget for them. That is the appropriation process in a nutshell. So, what you have before you is a grant element that is for a specific purpose. In our lines, looking at structuring anything that should be held in reserve, that is the settlement in creating the ARPA 1 budget with money directed for response, because we knew that there was a risk for response. In this case, things like you bring up with respect to whether someone is teleworking, but should be entitled to hazard pay or not—those things have not been determined as a definition, that is why you have to go through the eligibility, the work condition, the time, then ultimately whether it was a hazard or an enhanced hazard, because those payouts are at fifteen percent (15%) to twenty-five percent (25%) as a jump. I will not be able to give you ballpark amounts simply because those four (4) touchpoints are each having to be settled before a liability can be determined, and we know that there are things regarding telework that the Council may have opinions on whether or not we should be paying on hazard pay for someone who was working from home. That is why I could not give you a ballpark amount simply because those four (4) questions have to be mutually agreed upon through a settlement or they need to be arbitrated.

Council Chair Kaneshiro:

Councilmember Carvalho.

Councilmember Carvalho: Mike, I wanted to follow up on a question raised by Councilmember Kualii. There are four (4) areas that qualify for the ARPA funds, and hazard pay is one (1) of those areas that is included in that, right?

Mr. Dahilig: It is potentially an area, but ultimately, we have not gone through the analysis via our attorneys to actually have that be something that we feel comfortable recommending as a source point for a potential payout. Is it possible? Yes, but I think through the deliberations with the Council

the other ARPA items via the analysis on whether something aligns and does not align is really more of a risk analysis versus something that is cut and dry based off of the way that the U.S. Treasury has given guidance. So, is it possible? Yes, but I do not have anything in-hand from the Office of the County Attorney that would indicate that we have the proper "CYA" to say, "Yes, this can be a source for that payout." Other individuals may have a difference of opinion on that, but ultimately, I cannot represent that we have an opinion from the Office of the County Attorney that would give us the proper "CYA" to recommend to you to pay it out of that fund.

Councilmember Carvalho: Okay, thank you.

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

Councilmember Cowden: Are we ready to move beyond the HGEA piece? Thank you all for really robustly discussing that. I know I brought it up. I have something else other than that. Are we done with HGEA?

Council Chair Kaneshiro: Yes, new question.

Councilmember Cowden: Okay. The last time, this was before the Council, I brought up that one million dollars (\$1,000,000) that I would like to use for housing for emergency houseless sheltering. Since then, I have worked with our houseless coordinator and looked at potential partnerships with social services providers for that, and where we have some capacity amongst our organizations that are agreed with the procurements.

(Councilmember Carvalho was noted as not present.)

Councilmember Cowden: I still feel like this should be a priority, there are many people who are displaced. So this is a question, I am bringing this up. Yesterday we had a wonderful experience with fledging some young birds, that we spent between Kaua'i Island Utility Cooperative (KIUC), the State, and the County, millions of dollars on, and it happened coincidentally at the same time that we had a regularly scheduled "flush" of the people who live in the parks. I was able to talk to them. I think if we are spending four million dollars (\$4,000,000) to six million dollars (\$6,000,000) a year on these birds, and we are going to put another ten million dollars (\$10,000,000) into mosquitos for another set of birds, I would really like to ask to put another one million dollars (\$1,000,000) to help our people who are displaced in housing. If we only want to think about those children who are fledging in those families, I can use that wording, but I would really like to look at taking one million dollars (\$1,000,000) out of that six million nine hundred seventy-nine thousand dollars (\$6,979,000), because it is not enough money to fix the former Big Save bricks and mortar place, so that is something that I would like to...I am not sure if it is

appropriate to move to amend a document like this when you are giving it to us, but that is what I would like to do. Would it be appropriate to move to amend? Is that the right way to do it? Can I move to amend as circulated?

Council Chair Kaneshiro: Yes, you can move to amend the amounts.

Councilmember DeCosta: I have a question on the amounts.

Councilmember Cowden: I do not have a second yet.

Council Chair Kaneshiro: Let us get it circulated and seconded, then we will talk about it, if we can get a second on it.

Councilmember Cowden: Do I have a second? No one is willing to second helping our houseless people.

Councilmember DeCosta: Hang on, I had a question; what is the layout for the one million dollars (\$1,000,000)? What are we going to buy? Tents from Walmart and put them with a camping stove, or are we going to build apartments? I want to see the budget breakdown.

Councilmember Cowden: That would be in the amendment.

Councilmember DeCosta: It is what?

Councilmember Cowden: We have to move to amend first. I need a second.

Councilmember Cowden moved to amend C 2022-235, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, seconded by Councilmember Kualii.

Councilmember DeCosta: That was unfair for you to say that no one wants to help the homeless.

Council Chair Kaneshiro: Councilmember Cowden, do you want to explain your amendment?

(Councilmember Carvalho was noted as present.)

Councilmember Cowden: Yes, it is one million dollars (\$1,000,000), and that is a small amount of money, but with this 90-day temporary sheltering piece, like Kaua'i Economic Opportunity (KEO), they have the capacity to manage this type of thing. We have three (3) different organizations, one (1) would be Family Life

Center, we can work with different churches, there are a number of ways that we can work with this, it is hard to get the whole thing put out like none of these decisions here have a full budget for it, but we have very willing partners, and I have been working with it. I talked to the Managing Director, and I have met with houseless personnel with the Housing Agency, I have met at these different places, and there was some talk last time, maybe there could be one hundred seventy thousand dollars (\$170,000), but that is a low amount, but these are places that we could move; every ninety (90) days we could change it. It is different from bricks and mortar, and when we have something called the coordinated entry system, which is what it has taken to put people into Kealahou—our transitional housing—then, they typically move into vertical housing like in the...I cannot remember what we named Pua Loke, but one of the biggest barriers is not being able to find the people who are without bricks and mortar. Right now, we have no place for them to be, so where they are, very commonly is in the storefronts, laying on the corners of the streets, in the bike paths, different places when we can take people that come into an area that in a layer of agreements, this kind of falls within our *'ohana* zone that the State has put out. There are a lot of ways that the other counties are doing it. We had a piece on this at the Hawai'i Association of Counties (HSAC) conference. We can do it. I want that one million dollars (\$1,000,000). I am asking for that, it is helpful for our businesses, our neighborhoods, parks, and for displaced people. That is what I am asking for.

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

Councilmember Chock: I do not have a question on the one million dollar (\$1,000,000) amendment. Can we get more clarity from the Managing Director on the process of how it is we vetted all the interests? I know that what we did was come together with multiple meetings with Councilmembers about their interests related to the ARPA funding, then this list is what transpired. I, myself, had interests that I listed and shared, I am sure many others had, so in order to get to an outcome, I think it is important to understand how we get to that outcome in a fair and reasonable way, understanding that everyone has interests here. I just wanted to hear from you about how this ended up this way.

Mr. Dahilig: In response, Vice Chair, we have actually deliberately approached budgeting for ARPA 2 versus ARPA 1 as very different. There is a reflection of the time and space that we got notice of the money where we stand with pandemic response, as well as further guidance from the treasury that continually came up until the final rule, which was adopted not too long ago. So, it has been a bit of a moving target where initially when we came to the Council with earmarks for ARPA 1, it was treated in the manner that we would look at the Coronavirus Aid, Relief, and Economic Security (CARES) Act programs that we gave to you folks towards the Summer of 2020 when those funds were made available to us. Where we had allocations for certain programs, we were in a position to say we

are going to generally spend it on this, but we are going to give it to our administrative functions like KEMA, Office of Economic Development (OED), Public Works, Department of Parks & Recreation to try and figure out how to respond best in those areas, but as we received more information about ARPA, further guidance on what it could be used for, and timelines for expenditures it became clear that when we came to you folks and asked for items on ARPA 2, we treated it more as if it was a CIP-type of expenditure that would need to rise to a level of greater detail on what we were doing with the money, how much it may cost, and whether or not it aligned with the ARPA money's rules. That is going to be the difference between how we have in the past treated ARPA 1 versus how we treated this budget, and looking at some of the items that are on the table, it is clear that we had the opportunity for a one-time infusion of support for certain areas that, at the end of the day, can continue to pay dividends for the County rather than being a programmatic spend-down or burn like we have had with the approaches to ARPA 1 and with CARES. That has been our analysis—what can we try to do to make investments in some of our areas that align with the ARPA money's rather than more programmatic type of expenditures that you saw with ARPA 1? With that being said, as a representative in the previous Council meeting, ARPA 1, because it was more programmatic in nature, still has a fluidity in being able to respond to some of the things that Councilmember Cowden is bringing up. At this juncture, like I mentioned before the Council, there still is a remainder of response money's that have not been spent down with respect to things like providing isolation facilities, buying tests, and those types of things that can be restructured to augment the one hundred seventy thousand dollars (\$170,000) that the Council approved last year to be spent on houseless initiatives. The validity of discussions that Councilmember Cowden mentioned that we have been having with Ashton and her team at the Housing Agency on this, I think we have approached it from a standpoint where we have not been looking at it necessarily as to how much are we going to spend on something rather than what are programs and distinct items that we can get behind to actually loosen up more of that unspent ARPA 1 money's to augment the one hundred seventy thousand dollars (\$170,000), because at this juncture, we still have about one hundred sixty thousand dollars (\$160,000) that has not been spent down. My task to Ashton is to work with Councilmember Cowden to try to further define how that can be spent. If there are more items that can meet a detailed muster, we are certainly open to those things. Saying that we would throw one million dollars (\$1,000,000) at houseless does have cause for consideration, but what was asked by Councilmember DeCosta, what we have are ideas, and we do not necessarily have an ability to prove or defend specific expenditures at this juncture based on the information that I have.

Councilmember Chock: Just one more follow-up. Based on how you formed the list in more specific projects, this is not enough to go around, so my goal would be, how do we leverage this in funding so we get more funding? I know when we look at the renovation that is probably half, if not less than half of what is needed, so I am just trying to look at it from a standpoint of, how can we get more out of this

small pot of funds? Have you looked at investing this in a way that creates more funding opportunities?

Mr. Dahilig: As mentioned in the last discussion with the Council, we recognize that the money earmarked for the youth center would only cover a fraction of what the Big Save space would need to actually bring it to a usable form. We have been wrestling with an opportunity to repurpose that space since the merger of Big Save and Times Supermarkets over a decade ago, and while our attempts at looking at things like public-private partnerships or flat-out cash for that space were on the floor. Previous discussions with the Council on whether or not we actually need additional floor space for our employees, we feel at this juncture, we are meeting the demand, and we have plenty of space to grow beyond the Big Save space. The fear is that that area may deteriorate beyond the point where we might lose utility of that building. So, that is where the idea of having this being repurposed to a need that we are hearing from our community on jobs and removing a barrier for folks to be able to jump into employment by providing potential childcare has come to the forefront. I think the Legislature recognizes that, and that is why they put two hundred million dollars (\$200,000,000) behind that, as well. It is what organizations like Kamehameha Schools has been trying to toss around as a gap that needs to be met. What we see as the money, Vice Chair, shows seriousness in being able to engage in discussion that we have money on the table to be able to say, we are committed to this, and we would like partners to "jump in the canoe" with us realize the need to repurpose the space, but as Councilmember DeCosta mentioned, if our efforts are futile at that, we will come back to the Council and say we gave it a go but could not make it go, and we do not have enough of the money to be able to make it pencil out, so that the discussion of repurposing will come to you if we were not able to do that, but we think that this is a prime opportunity for us to show our seriousness being able to engage in partners not muddy the waters ourselves, use an existing facility that we have that we know is deteriorating, and we have no programmatic plan for it at this point given our public sector engagement, and we think that it meets the need from an economic standpoint to be able to get people to work without having to worry about childcare.

Council Chair Kaneshiro:

Councilmember DeCosta.

Councilmember DeCosta: Again, I will speak for myself, I want to help the homeless. I think Councilmember Evslin and I, over a year ago took this idea behind the first chunk of ARPA money, we took the police, fire, all the big key players out toward the airport, we found the County a one-hundred-acre parcel, we decided the tiny house off the grid, we had this talk; to me, personally, we cannot just take funding and get a tent and temporarily move them. The homeless that can benefit from a shelter needs to have a buy-in, so we are not just giving them a free ride. They have a buy-in like a transitional, so they can become successful, and I have to see that this money will help them from a transitional point down at the beach to become a

successful community contributor. Councilmember Evslin and I had this idea at the forefront, so if we are going to give one million dollars (\$1,000,000) to your idea, I would like to also introduce an amendment that we have one million dollars (\$1,000,000) for our idea also.

Councilmember Cowden: Sure. I would do that, if that is what you need. Mike, did I ask for the one million dollars (\$1,000,000) in our meeting ahead of time, just because they are saying there was a conversation?

Mr. Dahilig: Yes. As I responded, given the survey of all the Councilmembers, as Vice Chair Chock mentioned, we filtered those recommendations in the lines of what are the tangible items that we can spend on based on the way we looked at ARPA 2 versus the ARPA 1.

Councilmember Cowden: The Big Save circumstance, we will not be able to fix this to address a crisis, we are going to need this seven million dollars (\$7,000,000), plus more, that might be years out before we finish the Big Save situation, correct?

Mr. Dahilig: I think that is a priority or plan that you have, as I mentioned in the previous discussion with the Council that we are of the understanding that the funds can be earmarked up to the year 2024 with a spend-down date of 2026. Whether the phrase "crisis" should be viewed as a means of making investments in response versus things that are tangibles that may outlast the ARPA program, I think those are ultimately discussions that the Council needs to have in terms of priorities on whether we would "couch" money in this particular proposal as needing areas of response versus investment.

Councilmember Cowden: Okay, I was not quite arguing that. Can I have permission? He had three (3) minutes to make a point.

Council Chair Kaneshiro: Do you have a question for Mike?

Councilmember Cowden: I want to be able to respond to what was said. Basically, it is a question to Mike. I will frame it all as a question to Mike. Mike, have you noticed that we have a new layer of displaced people in our houseless community? There are different categories; there are some people who have been prolongedly displaced, we are seeing them at the Seashell Restaurant that is a recent sweep; have you noticed that there is a new layer of fresh people who are displaced?

Mr. Dahilig: What we rely on are the observations that we get through things like point-in-time counts through observations from the Houseless Coordinator, and how that reflects on the need to position resources. While there may be folks appearing in certain places, I do not know if I can validate whether they

are considered “fresh” or they have moved from one place to another, but given what I know as point-in-time counts and monitoring those, there has not been somewhat as I would characterize as a large amount of “fresh” houselessness, that we are experiencing through that method of statistically and data-wise understanding the issue.

Councilmember Cowden: Okay. Are you coalescing the E-mails that we are receiving of people who are being freshly displaced, or the phone calls, or looking at County parks where they are having people book up sixty (60) days, then running out of the sixty (60) days—that would be an indicator of fresh displacement.

(Councilmember Chock was noted as not present.)

Mr. Dahilig: Again, there are not any types of statistics. I would have to refer to anecdotally information that we get qualitatively from the continuum of care folks, our Houseless Coordinator, as well as folks like you around the table that tell us these things. At the end of the day, whether they are considered “fresh” in the context of trying to solve an overall issue regarding houselessness, we know that there is constant movement where people are also finding housing, so whether the “fresh” replaces those that have found housing, and that is creating an upward trend; that is the kind of things that we need to look at from an analysis standpoint. So, I will not dispute that there may not be “fresh” houselessness that may be coming to you for help, and I am sure that is the normal course of what has happened, but whether or not those “fresh” people are adding to the statistical issue that we have at hand, I will not be able to validate that, Councilmember.

Councilmember Cowden: Okay, I went to the continuum of care meeting, and looked at what the Kauaʻi Action Coalition put together. We are successfully moving people up, and we are having “fresh” displacement. “Fresh” displacement falls quickly when they have gone from stability to instability, so I am hearing I probably do not have support from my team, but when I look at the other round of figured numbers here, that this one million dollars (\$1,000,000) that I am suggesting would be as easily able to find quality application in the next number of months to be able to place it, where we are likely to have a Governor who is going to be really emphasizing this capacity.

(Councilmember Chock was noted as present.)

Councilmember Cowden: We see that our other counties move in this direction, so we know it is possible. So, I just want to make sure that we consider this crisis that impacts our business strength, human health, and it would also help assist the burden on our parks. I am going to rest my statements on that, and see if you all have any thoughts, we can take a vote if anyone is interested in helping with this, if not, I accept it, but at least for the record, I want it out there that we considered

one million dollars (\$1,000,000). I have full confidence that within the next year we could find a way with our committed providers to do things, like we have seen be successful on O'ahu, and Hawai'i Island, and to some degree, Maui.

Council Chair Kaneshiro: We are still in questions, I want us to have our questions move towards a resolution on this, voting up or down, getting to a point where people are ready to vote on this amendment. Councilmember Kualii.

Councilmember Kualii: At the risk of repeating, Mike, the question is, so you have heard from each of us on what our concerns and priorities are and how we would like the Administration to consider allocating this funding, and you have come back with this plan. In each of these, like the six hundred thousand dollars (\$600,000) for the landfill cover, the two million dollars (\$2,000,000) for heavy equipment, you have the department identified. So, we have housing for the one million dollars (\$1,000,000) for the Kilauea land purchase. Now, all of this, you have worked out as a team, and you actually have people responsible for spending that money and delivering getting the "bang for the buck," if you will, delivering on what those dollars are. The Housing Director, or whoever is heading up the one million dollars (\$1,000,000) for the Kilauea land purchase is on that, but this new amount of one million dollars (\$1,000,000) that is being proposed by Councilmember Cowden, the Housing Director or the Homeless Coordinator, they are not in any way...can they manage this? Would this be a part of their responsibilities? This is all in-house, right? This is not moneys that we are granting out to nonprofit organizations, so I just do not know if this is in line with what we are trying to do here. We do not necessarily have a person, the Housing Director or the Houseless Coordinator, engaged to do something like this. The Houseless Coordinator, as far as I can tell, does collaboration and referral, but would not manage a one-million-dollar line item to deliver homeless services. Am I correct?

Mr. Dahilig: Certainly, as you know, Councilmember Kualii, to spend down one million dollars (\$1,000,000) sometimes in a lot of small chunks takes a lot of effort. We certainly have confidence in the Houseless Coordinator and a lot of the work that she has done to build community, and we think that she has the capacity to be able to make expenditures, but what those expenditures are needs to be viewed in that lens of capacity like you are suggesting, and we agree with that. Some of these ideas that may be very involved both from a regulation standpoint and a procurement standpoint be out of the league for one (1) individual to handle by his or her self, and that is where we are going to need to resource that ideal even more so beyond just one (1) person, and those are discussions that have started, but at this juncture, we do not have the ability to say, unlike the proposals in front of you, there are people that are on point responsible for ensuring that these items are taken care of and the money is spent accordingly with both the Federal and State procurement guidelines. We are always happy to have discussions. We have the resources response-wise within ARPA 1 to be able to continue to push

more resources towards housing, but as far as houselessness...given the higher amount of detail and scrutiny that we would expect with expenditures, I do not have anything, line item-wise, that I could point to and say that we can be held accountable for our budget if we were to be given one million dollars (\$1,000,000) for houselessness.

Councilmember Kualii: You said that you have one hundred seventy thousand dollars (\$170,000) from the last pool of funding that is still available for expenditures, so it could be coordinated with the Houseless Coordinator on how that money is expended?

Mr. Dahilig: Right, that is available for meeting some of these items. As I have had discussions with both Councilmember Cowden and the Houseless Coordinator, if there are items that have a potential for merit and can be implemented within their capacity, we have the room to be able to push more resources that way. So, I would not look at one hundred seventy thousand dollars (\$170,000) as necessarily the cap on expenditure, but we certainly have flipped the equation, unlike in the past, where we have programmatically assigned amounts. In this case, we would like to be able to, with confidence, say that we can execute on a specific type of program, and have more resources pushed to it if necessary.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Councilmember Evslin, did you have a question? Councilmember Cowden, I know we want to try and get to a vote on this.

Councilmember Cowden: Can I respond?

Councilmember Kualii: When we go to discussion.

Council Chair Kaneshiro: Yes, you can respond in discussion.

Councilmember Cowden: Alright.

Council Chair Kaneshiro: Are there any other questions regarding this proposal? If not, is there anyone in the audience wishing to testify on the amendment? None. Is there anyone on Zoom wishing to testify on the amendment? JoAnn.

Ms. Yukimura: Thank you, Chair Kaneshiro and Members of the Council. JoAnn Yukimura, for the record. Thank you for this opportunity. I find it disappointing that this rare opportunity of unexpected Federal funds is proposed to be used mostly for a laundry list of common budget items that should have been

included in the present budget or should be in the next budget. What is not a common budget item is the Piʻikoi renovation for a youth center. I am a huge supporter of more childcare facilities and programs, but childcare is neither a core function of the County nor within the expertise of the County. The County is far behind in handling its core functions: roads, sewers, solid waste, water, basic infrastructure for affordable housing. Why are funds not being used for core functioning areas? It does not make sense to take something outside of the County's *kuleana* right now, given the pressing needs within its core areas. Whether it is a child center or youth center, the line item is apparently a quickly whipped-up concept for which there has been no planning and no feasibility study, yet the Administration wants you to commit seven million dollars (\$7,000,000)—seventy percent (70%) of available funds—toward this idea. In fact, it sounds like a lot like the Adolescent Drug Treatment Center—an important, but ungrounded proposal that wasted ten (10) years, and seven million dollars (\$7,000,000) of taxpayers' money without resulting in the needed services. So, to commit to a child center of any sort by putting funds into it, I must remind you, that with the Adolescent Drug Treatment Center, they said, "We will find partners." I was on the County Council with Ron Kouchi and others when the Council voted to acquire and renovate the aging shopping center across Ewa Street, now known as the Līhu'e Civic Center; the purpose was to consolidate County departments and agencies, which were renting space all over Līhu'e. It is important that the original purpose be honored, lest our agencies start spiraling out all over town again. In fact, your Recycling Division is already out of the Civic Center and in the Recycling Center. Before we commit space to a non-core function...

Council Chair Kaneshiro:

You have thirty (30) seconds left.

Ms. Yukimura: Before we commit a space to a non-core function, we need to know what the office space needs are of our County departments and agencies for the next ten (10) to fifteen (15) years. Has such a study been done? I would like to suggest there are more strategic ways to use and leverage the precious Federal funds. Think needed infrastructure and system changes that will enable the County to build more affordable housing and increase the island's sustainability. Here are a few suggestions: one, plan and design community sewer systems in Kalāheo, Kōloa, and Kīlauea, and enlarge water and sewer lines in Līhu'e Town Core. There is no way to increase multi-family units in these towns without adequate sewer systems. To expect each housing project to build its own sewage treatment plant is unrealistic. Furthermore, the town businesses need sewer system access, too. It is crazy to think they each have to build their own septic system. Two, plan and build more office space for the departments or divisions of Planning, Building, Solid Waste, and maybe Information Technology (IT), and Sewers. It has been said that the Planning Department is okay now, but I am guessing that comes from a mindset of making-do with what we have. If you were to ask the Planning Department and the other departments and divisions what kind of space would support them in doing optimal work for the next ten (10) to fifteen (15) years, you might get another answer.

Three, create adequate baseyard space for the County bus to operate today or grow tomorrow. Four, develop construction plans for a Materials Recovery Facility (MRF) at the site of the present Recycling Center. Better yet, use five million dollars (\$5,000,000) to seven million dollars (\$7,000,000) to help pay for construction that will lower the cost of curbside recycling to below seven dollars (\$7) per household per month calculated by the County's consultants and will make curbside recycling affordable. Objections to the Recycling Center site for the MRF are bogus. Federal regulations do not consider MRFs to be landfills. MRFs do not attract birds because they are enclosed structures and there is no or little food involved. If MRFs are the problem for the FAA, the existing transfer station would be even more of a problem. The other concern raises the fear that certain uses will be displaced—ironically, that includes office space used in the Recycling Center, which is not available at this time at the Civic Center. If there are uses not appropriate to the Civic Center that will be displaced, that can be incorporated into the construction plans for the MRF. I strongly urge you to use the gift of these Federal moneys wisely to make our island more sustainable and functional. Thank you.

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

Councilmember Cowden: I have a clarifying question. Thank you for all your experience, JoAnn. Your knowledge is valued and important. You are testifying on the amendment regarding the one million dollars (\$1,000,000) assisting people who are displaced.

Ms. Yukimura: No, I am not. I am testifying on the whole proposal.

Councilmember Cowden: So you do not have anything to say about the one million dollars (\$1,000,000) for the people without shelter?

Ms. Yukimura: I think there is a great need there, which is an example of how much need is in a lot of the County is core areas. I am not presuming to say how the moneys are to be spent. I am just suggesting that they be spent more thoughtfully, and it would be really great to have criteria before you consider any program. For example, something that could not be covered by the existing County budget, et cetera, or something that is going to address the Council's and the Mayor's key priorities, which never seem to be defined before the beginning of budget, but would be a good thing to do. So, I think homelessness, houselessness is very important, but I am not saying it is more important than these other things that I have mentioned—that is for the Council to decide. But I do believe it is more important than committing space in the Civic Center, which is unplanned and not within our core function to use the bulk of the Federal moneys for that rather than core area problems.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else on Zoom wishing to testify on the amendment? If not, are there any final questions from the Members regarding the Amendment? Councilmember DeCosta.

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

Councilmember DeCosta: A simple “yes” or “no.” Do you have an itemized budget of how you plan to spend the one million dollars (\$1,000,000) and will it transition from those people who start in your program and end up transitioning out to be a more successful community member?

Councilmember Cowden: No more so than any of the other items.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Are there any further questions or discussion?

Councilmember Cowden: I received some budgeting and help from potential providers. I spoke with Ashton, and we looked at the one hundred seventy thousand dollars (\$170,000); she has some plans for some of it, she was very supportive and helpful at trying to explore this idea, it is very difficult to do this in a week and a half of work time. Councilmember Kualii and I went to O‘ahu and saw programs and encampments that worked. I was working with Ashton, thinking of 90-day spaces, so it would not be a permanent location anywhere, it would be moving with an intention to be finished on that. The County collected forty-nine million dollars (\$49,000,000) extra money in the last budget. Since I have taken this job, I have asked for this, it is almost four (4) years that I have asked for this. I want to thank the Office of the Mayor for giving us the those emergency shelters in the parks for a year to a year and a half, and they worked well in the early portion before we started needing to push people who had known behavioral problems like when we emptied Kaua‘i Community Correctional Center (KCCC), half the population, different things gave into a more difficult element. But this is important, and I beg you to consider for that person who has to go to the bathroom, who has nowhere to go, let alone nowhere to put their head down—they are real human beings. We have to sit there and somehow find a way to help them, so the system as it exists, our budgeting system, nothing has worked other than that year to year and a half in the parks, which was a big relief for many of them, and they got to continue to keep their jobs—please consider it. It is possible when we say it is not possible, it is simply that we do not have the political will, and as to what the testifier said, it is not in the bread and butter core function of the County, housing is not, but we all recognize what a key problem it is, and when there are these temporary shelters, it can be with

agreements so you do not have problematic behavior there, you can get the higher functioning people if that is how you want to separate it out. Still, we have a way to get them through the system. I am happy that we have people who were in our parking lots and literally right in this building here, are now in the Pua Loke building and they are employed and going to college. So, we can help people, and I just ask you, please, consider it.

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

Councilmember Evslin: Councilmember DeCosta spoke earlier about the first round of ARPA funding, we spent a considerable amount of time talking to the Administration about something extremely similar. We had about three (3) or four (4) meetings including a site visit with half a dozen department heads exploring the concept, and I believe wholeheartedly in the idea of providing emergency houseless shelters. It came up over and over again, why can we not just identify a piece of property and allow people to set up emergency shelter or we provide it? Through those meetings, there was barrier after barrier, which is not to say it is impossible, but just that it requires, from my understanding, a tremendous amount of work. Identifying a site, which is not easy. Identifying wastewater infrastructure and paying for the wastewater infrastructure, which is a tremendous hurdle in the cost of wastewater infrastructure for people in facilities. Then, permitting, because a lot of the available locations are on agricultural land, and there are tremendous permitting barriers around trying to do something like this on agricultural land. Again, not to say it is impossible, but the concern here is whether we should be amending this to put one million dollars (\$1,000,000) towards something which the Administration is saying that they have capacity concerns about seeing it through in the timeline that we have for ARPA. So, I am not going to be supporting this, and my other concern there is if we are defunding the childcare center by one million dollars (\$1,000,000) and putting money towards something else, that makes the childcare center less likely to pencil out, and less likely to be able to be complete within the necessary timeframe. I think in JoAnn's testimony she made a good point, we should be spending money on sewers. We should be spending money on water, and those are core County functions, but I also feel like childcare in some sense is a core County function or becoming one in that the major barrier that we have from every single department is a lot of vacancies and not a whole lot of willing applicants. At least from people who I know, one of the major barriers right now for reentering the workforce for a lot of people is childcare and access to childcare. Housing is the biggest crisis we face, but childcare is certainly up there, in that there are not enough childcare options. With the State having allocated two hundred million dollars (\$200,000,000), as Vice Chair Chock was talking about, we have this tremendous opportunity to spend some money here, hopefully to leverage a lot of State money, and get a childcare facility going, hopefully providing childcare, which allows for us to start filling a lot of these vacant positions and fill this need. Lastly, I just want to say, Councilmember Cowden, when you said that none of you here

support emergency housing or that you think we lack the political will, it is disheartening, one, to hear that, in that, during budget, there was a proposal to allocate four million five hundred thousand dollars (\$4,500,000) to housing, which failed, and I understand the reasons that it failed, but no one at this table said or blamed anyone else for voting against that to say, "You do not care about housing." I think we all care deeply about housing. We are trying to find the money. The potential reason for that lack of a second, or my reason for my "no" vote here is to say that one million dollars (\$1,000,000) should not necessarily come from ARPA. Let us figure out ways to make it happen. Let us do it through our regular budget process. Let us continue to work together to try and allocate more money to our housing development fund during budget. Let us see it happen, but it is not because we do not care about housing.

Councilmember Cowden: Can I respond?

Council Chair Kaneshiro: We are still on discussion. Councilmember DeCosta, then Councilmember Cowden.

Councilmember DeCosta: I am going to have to go with Councilmember Evslin on this one. Exactly his thought process, I would like to say that we, over a year ago with the first set of ARPA moneys, had a plan in place. We met with every division, we took field trips, we had a sealed plan to go off of, and the Administration said, "We cannot. We are not there yet." I think it is premature to take money and put it where we have no plan, we have no outline to spend. We just came from the YWCA forum where single mothers asked us a crucial question about childcare. Between nine hundred dollars (\$900) and one thousand two hundred dollars (\$1,200) a month—moms cannot go back to work; they need to watch their own children. We have an opportunity to make this right for a lot of moms and parents who cannot afford the going rate for childcare. This is the reason why this money was allocated toward the Big Save area. Our hearts are with helping the homeless. I asked all of you here, when we did the Executive Order to allow temporary shelters at the beach for the homeless, they were there for three (3) months or six (6) months, maybe longer; where are they right now after we gave them that opportunity to succeed? They are back in the bushes again. If we do not have a plan to spend this one million dollars (\$1,000,000) and transition them from a place where they have a responsibility, and again, I am going to promote that tiny home, if the Governor gets elected and with Executive Order, we will be able to make something happen, but that funding will not come from this piece here, so I am not going to be supporting it, there is no plan.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I had to press for a second. You have never had to press for a second that I can think of once. I am pressing for a second when

he made the comparison, I said, "Please, someone." Just for the sake of the people who are watching, Sunshine Law does not allow us all to talk to each other, so you two (2) work on things, maybe Councilmember Kualii and I work on things, I have certainly worked on a lot, so for four (4) years the effort has been found that there are barriers with the exception of the emergency sheltering, which I pushed for during COVID-19, so thank you, Office of the Mayor for doing that. When we have a flood, when we have a problem, we find it, we find a way to help people, and this is an emergency.

Council Chair Kaneshiro: Is there anyone else? Council Vice Chair Chock.

Councilmember Chock: For me, going back to my original question about process is really key in determining how it is we come to the outcomes we are at, and the response being something of how ARPA is funded in the second tranche and looking at tangible projects for us to support makes a difference. I would not be able to support this Amendment unless we as a Council decided we are going to move in a completely different direction, and the criteria of what it is we want to support, and that would mean that I would hear from all of you about what your personal interests were and projects, and fully vet them in a way that is equal, so that we can have everything out on the table—that is not the direction that I am seeing or hearing, but that is what it would take for me to support your Amendment. At this juncture, given where we are headed, I will not be supporting it, but I like the idea that if we were to move in that direction, that we start again. I am not suggesting that, I am just saying, to me, that is what would make me feel comfortable. To that end, I am super supportive, I always have been, of the youth renovation of the Civic Center. Truth is, we had childcare for our County employees at one time, and now, as was mentioned, the need is even greater than before. We have an opportunity for it to be even bigger not just for the County, but for the whole community, which as was mentioned is a huge gap as what we are finding; we cannot get people back to work if we cannot help them with their childcare. I like the effort and the one million dollar (\$1,000,000) throw at this here. I think we do need to spend money in this area, I am just not clear that this is right for it, and from my perspective, I feel like the County has done a lot. Case in point, Kealahou. Councilmember, when you mentioned people who were here who needed help are now in a place, and we know what that cost. If we are going to go all-in on something, let us make sure, as JoAnn Yukimura said, that we vet it right, and we know and put the right amount of money into it, so we get an outcome, and we are already moving in the direction. I prefer to see something more expansive than what you are asking for here. That is where I am.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Houselessness, homelessness is very important, Councilmember, but with that comes, not only our commitment for the Administration side to follow through and ensure that the resources are there. In this particular discussion on these funds, we all have the opportunity to put in what we thought would be important and what is vetted out, and there are funds in here to cover housing or homelessness overall. For me, we can look at the bigger picture. It is not specific, but the Pi'ikoi renovation project is there, we talked about it, and it is specific to the houselessness program. I think more opportunities will come our way for that, but we went through the vetting process with this listing, and we have heard from the Administration that the houseless program was not part of this right now. Not to say that it is not going to happen. We support it, I support it, but for now, what we have before us, and especially the Pi'ikoi youth center, is very important for providing childcare which is needed not only here on Kaua'i, statewide. From our State legislators, we have heard that. This is another opportunity, we set the pace right now, and we are going to reap benefits from other pots of funding that are going to come our way. Based on what we have before us, I think is a win-win on both sides, but at the same time, houselessness is very important, and I think we can allocate funding in a different way, so I will not be supporting it right now, but know that it is very important to me. There is going to be a way. I just wanted to make that point.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I would just say that we all agree that the need is great and urgent. I think this housing shortage crisis is a disaster, and it is an emergency. I feel like with this Administration that we have been moving forward. Council Vice Chair mentioned Kealahou—that is a prime example, and that could happen the way they had it happen fairly quickly because Governor Ige did the Emergency Proclamation in the 'Ohana zones and all of that in response to the pandemic crisis. I am really hopeful that the next Governor will do the same kind of thing for our housing crisis, and we are already lining up by recognizing our Lima Ola property. In fact, Lima Ola is already moving forward as the next Kealahou. Transitional housing, bringing homeless folks out, some of the families came from Salt Pond Beach Park, as well, Hawaiian families that are living in Kealahou, and they are already transitioning from Kealahou right across the street to the Pua Loke affordable rentals, Hā'upu View. So, I mean, it takes time, we are doing what we need to do, we know we need to do a lot more of it, a lot faster, and in the long run that takes a lot of money that is why we are trying to get more funds into our Housing Development Fund. Still, I have to say that my heart is with Councilmember Cowden, because I know what she is trying to do, she is trying to address the immediate care for those people who are suffering. We all have the compassion and heart for that, but we do not necessarily have the specific tools when former Councilmember and former Mayor Yukimura talks about the core services, it is true, we do not have a homeless division, we have one (1) person. We have a Housing

Director who has a big heart who is doing everything he can managing a lot of housing projects like affordable housing or what have you. But we have to manage our money right, and we have to spend it in ways that can make a difference, and it is scary to just throw one million dollars (\$1,000,000) at no plan, no entity with the capacity. I see things all the time about well-meaning people, and a lot of those people who are trying to organize themselves together to be an entity with capacity, it just has not happened. But then they are still at least as individuals going out and sharing from themselves. We are moving in the right direction, and we do have to do more. We have to build the capacity and maybe within our Housing Agency to do more for the homeless, more direct service rather than just collaborating and referring, and working with the Kaua'i Community Agency, which is different agencies doing their pieces and trying to come together, but there is no entity that is singly focused on raising the money, and spending the money to do what you are trying to do day-in and day-out. I recognize the need is great. My heart is with you completely. Thank you.

Councilmember Cowden: Can I just say one more thing?

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: It obviously hurts me deeply. I think the difference between us is you all came from loving, good families, and you had a home, and I did not, and I know what it is to be in that car. I know what it is to have that depth of shame. I know it is not about what we can do two (2) years from now, it is what we need to do today. Moving forward and doing it right later, is just not the same as helping that person who needs that help right now. Guaranteed, if we had the political will, we could make that difference. I accept that you folks are all saying no, but it is so heartbreaking, and I loved letting those little birds go, but the contrast to seeing our little human birds...there were six (6) police officers there to get rid of the last family after you folks left. I know what that is, and we have to stop it, we have to have the political will.

Council Chair Kaneshiro: Is there anyone else? I will state my piece now, because I believe this is the only piece I am going to state until we go back to the main motion. What I have heard, which I do not think is true, is that we do not care about homeless, that we have not done anything in four (4) years. We have heard it from a few Councilmembers. Kealaula was done during COVID-19. Kealaula was the first project on Kaua'i that brought people who were homeless into a transitional house with programs—that is something we should be proud of. Pua Loke/Hā'upu View was built right next to it. The County is building housing. Lima Ola has been a project that we have been working on forever—it is a big parcel of land that is going to end up having a project like Kealaula on it. Speaking of these transitional housing projects for the homeless, we need land, without land we are not able to do anything about it. Lima Ola is land we purchased a long time ago for planning. In the ARPA

funds right now we have one million dollars (\$1,000,000) for the Kilauea land purchase, which is land that we want to purchase to put housing on, and I am sure once we get to the phase of actually developing it, it will have a project like Kealahou on that property too, but we cannot just snap our fingers and one million dollars (\$1,000,000) will get us housing—I just do not see it. For me, looking at these projects and this proposal, I want to see things that are going to materialize. People may not be in agreement with the Piʻikoi renovation and it being a youth center, but at the end of the day, that building needs to get renovated to be anything, and it is going to cost a lot of money and if we do not put money into that building now it is never going to be anything because it is going to cost money to renovate it. Whether it ends up being a youth center or offices in the future, if we do not spend a dime on it, it is not getting anywhere, it will continue to be a gutted building with nothing in it. I am in support of putting money towards renovating that space for a youth center. I am not in favor of pulling out the one million dollars (\$1,000,000), because I do not see the one million dollars (\$1,000,000) materializing into something. That is where I am on it. Is there any final last discussion? If not, roll call vote on the Amendment.

The motion to amend C 2022-235, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and failed by the following vote:

FOR AMENDMENT:	Cowden, Kualii	TOTAL – 2,
AGAINST AMENDMENT:	Carvalho, Chock, DeCosta, Evslin, Kaneshiro	TOTAL – 5,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Pursuant to Rule No. 5(b) of the rules of the Council of the County of Kauaʻi, Councilmember Kualii was noted as silent, but shall be recorded as an affirmative for the motion.)

Ms. Fountain-Tanigawa: The motion fails.

Council Chair Kaneshiro: Back to the main motion. The main motion is to approve. Are there any further questions on this item from the Members? Is there anyone in the audience wishing to testify on this item? None. Is there anyone on Zoom wishing to testify? None.

There being no one present to provide¹ testimony, the meeting proceeded as follows:

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

The motion to approve C 2022-235 was then put, and carried by a vote of 6:1:0 (*Councilmember Cowden voting no*).

Council Chair Kaneshiro: The motion is carried. Please read us into Executive Session.

EXECUTIVE SESSION:

ES-1082 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1082, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions from the Members on this item? Is there anyone in the audience wishing to testify? Seeing none. Is there anyone on Zoom wishing to testify? Seeing none.

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

Council Chair Kaneshiro: Is there any final discussion from the Members? We will be taking this at the end of our meetings.

The motion to convene in Executive Session for ES-1082 was then put, and unanimously carried.

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 12:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

(October 19, 2022)

FLOOR AMENDMENT

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

Introduced by: FELICIA COWDEN, Councilmember

1. Amend the draft budget provided via October 3, 2022 memorandum (See Attached) as follows:

<i>Dept</i>	<i>\$ Amount</i>	<i>Item</i>	<i>Description</i>
PW	\$600,000	Landfill Cover Soil	Funds to cover hauling material from Lihue to Kekaha Landfill.
PW	\$2,000,000	Heavy Equipment Wash Rack	Employee request & possibly an upcoming DOH violation. System would be replaced at LRS. Primarily for garbage trucks.
Housing	\$1,000,000	Kilauea Land Purchase	\$4M total cost. Housing has \$1M reserved for purchase. Remainder will be paid over time through payment plan.
Police	\$100,000	KPAL Sports Complex	Plans are partially completed. Funds used to complete plans and demo existing structure adjacent to Vidinha Stadium.
MO/ PW/ DOPR	[\$6,979,436] <u>\$5,979,436</u>	Piikoi Renovation Youth Center	20,000 sf improvement/ renovation of former Big Save space. Additional money will likely be required for completion.
KEMA	\$125,000	County Management/ Audit(s)	
<u>Housing</u>	<u>\$1,000,000</u>	<u>Emergency Houseless Shelter</u>	<u>In partnership with established social services providers, provide emergency temporary sheltering of people economically displaced during the COVID pandemic.</u>

V:\AMENDMENTS\2022\C 2022-235 ARPA Funds Floor Amendment FC
JA_dmc.docx

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHILIG, MANAGING DIRECTOR



MEMORANDUM

RECEIVED

TO: Honorable Arryl J. Kaneshiro
Chair, Kauai County Council

22 OCT 17 P3:03

FR: Michael A. Dahilig
Managing Director

A handwritten signature of Michael A. Dahilig is written over the printed name and title.

CLERK
COUNTY OF KAUAI

DATE: October 3, 2022

RE: Item G.12 C 2022-235 – October 5, 2022 Council Meeting
Draft Second Tranche ARPA Budget for Discussion; Request for Deferral

Please see the draft ARPA Second Tranche budget totaling \$10,804,436.00, *below*, for discussion at the October 5, 2022 meeting. Given the first introduction of these allocations to the full Council, we would request that the item be deferred to the following meeting after council discussion to allow for additional evaluation time, and have the administration provide the body proper response to any questions that may arise. Mahalo.

Dept	\$ Amount	Item	Description
PW	\$600,000	Landfill Cover Soil	Funds to cover hauling material from Lihue to Kekaha Landfill.
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