

## COUNCIL MEETING

DECEMBER 14, 2022

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, December 14, 2022, at 8:52 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan  
Honorable Bernard P. Carvalho, Jr.  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Luke A. Evslin  
Honorable Mel Rapozo

Excused: Honorable KipuKai Kuali'i

### APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any public testimony or discussion?  
Hearing none.

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

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

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

November 2, 2022 Council Meeting  
November 16, 2022 Public Hearing re: Bill No. 2889  
November 23, 2022 Council-Elect Meeting  
December 1, 2022 Inaugural Meeting

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

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none.

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

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

Council Chair Rapozo: The motion is carried. Next item, please.

INTERVIEW:

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION:

- Victoria Wichman (Archaeology) – Term ending 12/31/2024

Council Chair Rapozo: Ms. Wichman, thank you for being here today. I am excited and honored to have you nominated for this position. This is the Council nominee for the Kaua'i Historic Preservation Review Commission and this seat is specific to archaeology. Ms. Wichman has been an archeologist for a long time. With that, welcome.

VICTORIA WICHMAN: Thank you. Good morning, Council. I am very happy to be here. Thank you for the introduction.

Council Chair Rapozo: Everyone has herself application; I hope you had a chance to review it. Are there any questions for Ms. Wichman?

Councilmember Cowden: Typically, Boards and Commissions introduces the person, are we not doing that?

Council Chair Rapozo: I think she knows her better than Boards and Commissions.

Councilmember Cowden: Okay, I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Victoria, you have done a lot with the State and parks, how do you see overlapping with this position? You have a lot of history working for the government, I just wondered if you wanted to tell us a little bit more about your work history.

Ms. Wichman: Yes, thank you, Councilmember Cowden. I worked for State Parks for the Department of Land and Natural Resources (DLNR) for just over five (5) years, just across the street here. I was an interpretive specialist and archaeologist. I worked a lot with the curator groups or the stewardship groups with Hui Maka'ainana o Makana in Hā'ena Na Pali Coast 'Ohana, there are several others on the island. Although I have been working with them since last century, since the '90s. It was a good fit for me to go into that position. As far as archaeology, I have been working all around the Pacific. I worked in Marquesas, Rapanui, New Zealand, Tahiti, here on this island, and several other islands. For a while, I worked for a contract archaeology firm in O'ahu called International Archaeological Research Institute, Inc. (IARII). It is probably the only archaeological firm that is a nonprofit, so besides

the State, I have only worked for nonprofits. With IARII, I was exposed to contract archaeology, and what they do there is, their contracts are with National Parks and the with the military, and all of the money that they make from that goes back into research, so it was a very good company to work for. I got to know the world of contract archaeology, specifically working with military bases. I worked in Kāneʻohe in a place called Mōkapu that has a lot of burials there—it is quite famous and I learned a lot, a very great experience. I worked at Bishop Museum as an archaeological collection manager. Very proud of the Bishop Museum. I am still on the Bishop Museum Association Council, and we help with the membership services. As far as the State, working with DLNR, I left that position in 2020 and if they were to ever come before the Commission, I know that they do, because they have in the past, I would recuse myself. I am aware of different projects that they have on the island, but I would not be able to speak on that, because of my relationship with that division.

Councilmember Cowden: Thank you for that. To me, you have an illustrious career. If you can speak briefly on your length of time on Kauaʻi or your affiliation with understanding the history of Kauaʻi. I think that is of a lot of value for people to understand. I am going to be honest; I think we have a real “gem” in having you here, and I am pleased that you have knowledge of our Historical Society, but maybe for the public, you can state your time on-island, or what your role on the island has been outside of being an archaeologist.

Ms. Wichman: Alright, thank you. I have been on this island since the mid-1990s. I moved here from Hawaiʻi Island. I came here because my husband is from Hāʻena. They are an old *Kamaʻāina* family, a Hawaiian family, and I was quickly emersed into the history of Kauaʻi, especially because of my husband’s father. You can imagine the dinners, breakfasts, and the conversations that we have had. My father-in-law’s books, Kauaʻi Tales, Voyaging Chiefs, there are several of them, were immediately put in front of me the first day I was here. Believe me, I have learned those books inside and out. It is a great way to learn the history and the *moʻolelo* of this island. We have been involved with many projects on this island, specifically with *heiau* history, with Hawaiian cultural sites. The first project I worked on was in Wailua, the complex of *heiau*, Hikinaakalā. We also worked at Malai Haʻakoa, we helped clear that out in the ‘90s. I have been quite involved in a lot of things. Joined the Na Pali Coast ‘Ohana in the late ‘90s. I am one (1) of the founding members of that group with Sabra Kauka, and have been very instrumental with restoration of Nualolo Kai. Also, I was on this Kauaʻi Historic Preservation Review Commission for several years. Former Mayor Carvalho actually appointed me to replace Jane Grace, she was in the Hawaiian Culture seat, so I was in that position for several years. So, I am very familiar with the way things operate with this Commission. I understand how things process working with State Historic Preservation Division (SHPD) and working with the public.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Are there any other questions for Ms. Wichman? Thank you very much. Like Councilmember Cowden said, you are a “gem.” I cannot wait for you to get started.

Ms. Wichman: Thank you. You are very kind.

Council Chair Rapozo: Thank you very much.

Councilmember Carvalho: Thank you.

Ms. Wichman: Thank you. *Aloha*.

Council Chair Rapozo: Next item, please.

CONSENT CALENDAR:

C 2023-03 Communication (11/16/2022) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua'i:

a. Board of Ethics

- Rose Ramos-Benzel – Term ending 12/31/2025
- Kelly M. Gentry – Term ending 12/31/2025

b. Board of Water Supply

- Julie Simonton – Term ending 12/31/2025

c. Charter Review Commission

- Bronson Bautista – Term ending 12/31/2025

d. Civil Service Commission

- Beverly Gotelli – Term ending 12/31/2025

e. Liquor Control Commission

- Dee Crowell – Term ending 12/31/2025
- Randall Nishimura – Term ending 12/31/2025
- Leland Kahawai – Term ending 12/31/2025

f. Public Access, Open Space, Natural Resources Preservation Fund Commission

- Mark Ono (*Kapa'a-Wailua*) – Term ending 12/31/2025

g. Planning Commission

- Francis DeGracia, Jr. (*Labor*) – Term ending 12/31/2025
- Lori Otsuka (*Business*) – Term ending 12/31/2025
- Jerry Ornellas (*Environmental*) – Term ending 12/31/2025

## h. Salary Commission

- Patrick Ono – Term ending 12/31/2025

C 2023-04 Communication (12/02/2022) from Councilmember Evslin, transmitting for Council consideration and confirmation, Council appointee Lee S. Gately (At-Large) to the Kaua'i Historic Preservation Review Commission – Term ending 12/31/2023.

C 2023-05 Communication (12/02/2022) from Council Chair Rapozo, transmitting for Council consideration, a Resolution appointing Councilmember Bernard P. Carvalho, Jr. as representative and Councilmember Bill DeCosta as alternate to the Hawai'i State Association of Counties Executive Committee.

Councilmember Carvalho moved to receive C 2023-03, C 2023-04, and C 2023-05 for the record, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none.

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

The motion to receive C 2023-03, C 2023-04, and C 2023-05 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: Before we get to the Communications, I want to let Ms. Wichman know, the item will be back on the Council agenda on January 11<sup>th</sup>, and the Resolution will come forward. Thank you.

Councilmember Cowden: Just a point of order.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I know this is first day back, but typically, we still ask if there are any discussion or if anyone has testimony. Do we not do that?

Council Chair Rapozo: On which?

Councilmember Cowden: On Victoria's interview. Do we not do that anymore?

Council Chair Rapozo: Was there any discussion? We can go back.

Councilmember Evslin: On the actual vote, right?

Councilmember Cowden: On Victoria.

Councilmember Carvalho: On the actual vote.

Councilmember Cowden: Usually when we just...I already said that I was happy, but maybe we do not need to do that. Usually, we just go around, but we do not have to.

Council Chair Rapozo: Okay, we can. That is entirely up to you folks. Let us go back. Is there any discussion on Ms. Wichman's interview?

Councilmember Cowden: Okay, I guess we are not going to do that. We usually do.

Council Chair Rapozo: Okay. Next item, Communications.

### COMMUNICATIONS:

C 2023-06 Communication (11/03/2022) from the Director of Human Resources, requesting Council approval of the attorney fees and costs provision in the Law Enforcement Testing and Assessment (LETA) Services Agreement, which will be used for civil service written promotional examinations for Ocean Safety Officers, which aligns with the current promotional recruitments for Fire and Police.

Councilmember Carvalho moved to approve C 2023-06, seconded by Councilmember Cowden.

Council Chair Rapozo: Thank you. Is there any discussion? Are there any questions for Human Resources (HR) or anyone? No? Okay.

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

The motion to approve C 2023-06 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

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

C 2023-07 Communication (11/04/2022) from the Chief of Police, requesting Council approval to accept and expend additional funds from the Hawai'i High Intensity Drug Trafficking Area (HIDTA) program, in the amount of \$70,000.00, for payment of overtime, replacement of K9 drug detector dogs, training, replacement of old equipment, and the purchase of new technology. The increase would bring the new award amount to \$231,400.00.

Councilmember Carvalho moved to approve C 2023-07, seconded by Councilmember Cowden.

Council Chair Rapozo: We have representatives here from the Kaua'i Police Department, if you folks want to come up.

There being no objections, the rules were suspended.

BRYSON M. PONCE, Assistant Chief: Good morning, Chair Rapozo and Councilmembers. Bryson Ponce, Assistant Chief, Kaua'i Police Department. I am here with James Miller, Lieutenant of the Vice Section. Thank you for allowing us to just touch a little bit on this agenda item regarding our requests that are asked of our K-9 program. Lieutenant Miller.

JAMES J. MILLER, Lieutenant, Vice Section: Good morning. I have not had to go to one of these for a while. I am just presenting to you folks or am I waiting for questions?

Council Chair Rapozo: We have the communication, we have the request, real briefly, this is the Hawai'i High Intensity Drug Trafficking Area (HIDTA) grant, and you are asking for more money from the grant, which is Federal money, or State money, for the replacement of two (2) K-9 dogs. That is what I read.

Mr. Miller: Correct. Yes, sir.

Council Chair Rapozo: Are you retiring the two (2) dogs?

Mr. Miller: Yes, they are coming up for retirement due to age. With the replacement of the K-9s, we are also replacing handlers, so that comes along with the training that needs to be done for them, as well.

Council Chair Rapozo: Go ahead, Councilmember Cowden.

Councilmember Cowden: How long does the training process take? I want to recognize one (1) of our K-9s was Officer of the Month last year. How long does it take to do the training? What is that process? Do we have the dogs purchased yet? How long does that time take? What is the turnaround time to have new dogs working? Will there be overlap between the four (4) dogs, or no?

Mr. Miller: Just to get them to be certified to actually do the job is about six (6) weeks or so.

Councilmember Cowden: Okay, short.

Mr. Miller: That is to just get them going. Just like policemen, you have the brand-new man—because now you are working with two (2) different entities—you have the brand-new handler and you have the brand-new dog, they both have been trained, they both know what they are doing, but with time and continued training, they will become better at what they do. The six (6) weeks is to just to get us to legally say, "This dog and this handler know the basics of what they are supposed to be doing." Then, they improve through that, we continue to send

them to training throughout, but this money is covering just getting them “kicked out the door,” and out into FTO phase, if you will.

Mr. Ponce: We also have a plan for overlap.

Councilmember Cowden: Okay, that was my real question.

Mr. Ponce: Our plan is not to have any time period where we do not have any odor detection, narcotics dogs, we have a plan for overlap.

Councilmember Cowden: How long is that? Months or we do not know?

Mr. Miller: We already have a dog in training that should be ready by January. We are going through our K-9 selection handler process now, and we hope to have the handler selected within that time period, as well. Then, we are also arranging for the training all at the same time, we are “shooting” for about mid-January. We will have a dog that is still trained and a handler that is still experienced with the experienced dogs.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Just a clarification. You are asking for replacement of old equipment, and the purchase of new technology. I just want to get a little bit more on that.

Mr. Miller: We use a variety of different electronic devices, and things that help us do what we do. There is a lot of things that we do with that kind of things.

Councilmember Carvalho: Okay, I just wanted to clarify.

Council Chair Rapozo: Top secret.

Councilmember Carvalho: Top secret.

Councilmember Cowden: Top secret. I have one last question.

Councilmember Carvalho: I got that one very fast.

Councilmember Cowden: Our last officers who did this, they seem to love their job. Are they moving on to a different section in the force, then we get brand-new officers trained with the dogs?

Mr. Miller: One (1) is moving on to patrol, with our rotational policy. We also have a senior handler who is also a trainer that helps maintain our high-level of training that we do quarterly, and every day they have to do so much. One (1) will still be here, as they train the trainer, he will get trained

additionally, as well, for another six (6) weeks. Then, that is the rotation, replace one (1), one (1) will be the trainer, because you need an “x” amount of time as a handler to be a trainer, as well. We will have one (1) new handler.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Thank you. Are there any further questions for the Kaua‘i Police Department (KPD)? If not, thank you, gentlemen.

Mr. Miller: Thank you.

Mr. Ponce: Thank you.

Council Chair Rapozo: Is there any public testimony? Seeing none.

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

Council Chair Rapozo: Is there any final discussion? Seeing none.

The motion to approve C 2023-07 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

C 2023-08 Communication (11/16/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to approve Chapter 8, Kaua‘i County Code 1987, as amended, relating to Zoning designation in Lāwa‘i Homesteads, Kaua‘i (*Kurt Bosshard and Steven Absher, Applicants*).

Councilmember Carvalho moved to approve C 2023-08, seconded by Councilmember Cowden.

Council Chair Rapozo: Is the Planning Department here?

Councilmember Cowden: Yes.

Council Chair Rapozo: If you could just come up and give us a broad briefing. This will come up as a first reading bill. We will take the discussion in this Communication, then you do not need to stay for the Bill.

There being no objections, the rules were suspended.

KA‘ĀINA S. HULL, Planning Director: Good morning, Chair and Members of the Council. Ka‘āina Hull on behalf of the Planning Department. What you folks have here is a proposed zoning amendment initiated by the landowner as the applicant. It is a property located in Lāwa‘i. The property is roughly point

ninety-two (0.92) acres in size that is split zoned Residential R-4, and Open zone. The applicant is proposing to rezone the Open portion of the property, which is roughly point four (0.4) acres into the Residential R-4 district. The State Land Use Designation (SLUD) is Urban for the entire property, the General Plan Designation is Residential Community, which does facilitate zones within the Residential district and residential development patterns. Quite honestly, this portion of the property that is in Open is bounded on three (3) sides by the Residential R-4 district. It is a "cut and dry" simple zoning amendment request that fits within the land use pattern in and around the area. The Department reviewed it, it went before the Planning Commission, there were not much questions, quite honestly, it speaks for itself. The Planning Commission approved it the first day they received it. It was transmitted here, and that is it in a nutshell. If you have any questions, the applicant is here, I believe.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: Explain to me, how much more density would it give this homeowner in that point four (0.4) area? Is it one (1) house or two (2) houses?

Mr. Hull: The property, like I said previously, is split zoned. Right now, it is roughly half an acre in the Agricultural Zoning District and about point three (0.3) or point four (0.4) acres in the Open District. Right now, the entire lot of record qualifies for two (2) dwelling units. If this proposed amendment is adopted, ultimately, fully zoning the entire property into R-4, the entire property would qualify outright for four (4) dwelling units, so it doubles the density of the property. Should the R-4 designation be adopted, the property owner could later on pursue subdivision options, and the subdivision option would essentially, if they fully maxed it out, it could require infrastructure upgrades. We are not aware of what the infrastructure capacity concerning a subdivision would be, but if they are able to subdivide it, that could create four (4) quarter-acre parcels, each one (1) would qualify for a house and an Additional Dwelling Unit (ADU).

Councilmember DeCosta:

Almost eight (8) dwellings.

Mr. Hull: Through a subdivision process it could quadruple the density, but again, they would have to go through the various infrastructure demand, such as Water Department upgrades, there is no sewer in the system, so they would have to upgrade the septic systems, but outright it doubles the density.

Council Chair Rapozo:

Do we know the intentions of the applicant?

Mr. Hull: My understanding is they would like to build more homes; whether or not they are going to pursue subdivision, I am not aware, but the applicant is here.

Council Chair Rapozo: In the planning process, is that something that the Commission would ask the applicant who comes in and wants to up-zone

their parcel? Is that a question that they would ask? "What is your ultimate goal? Are you planning to build eight (8) units, ten (10) units, or are you planning to build ADUs?" We want to know the density. I think the public should know, especially us making the decision. We want to know what is the ultimate impact of that request? Was there a public hearing? I am assuming there was a public hearing. Were there any concerns? I apologize, I did not have a chance to go through the file.

Mr. Hull: There were none raised at the time. It is not standard for the Department to go through a full subdivision vetting proposal, because that requires all the infrastructure agencies then to go into the analysis of "what if, on this measure, that measure," so a full subdivision vetting was not done for this property.

Council Chair Rapozo: I am not asking about a full subdivision. I am just asking if anyone asked the question, "What is your ultimate goal of this request?"

Mr. Hull: That was not asked.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: It is not that common that this comes before us. I am very open-minded on it. Usually, we see a Director's Report, I do not see that here. Are you supportive of this or are you not supportive of it?

Mr. Hull: Yes, the Department was supportive of this. Sorry, we transmitted the Director's Report.

Councilmember Cowden: I did not catch that. Okay. I had something on earlier that I was trying to see if we passed it, so you folks are supportive of it. Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Thank you, Ka'āina, for all you do for our Planning Department. Is this family land that was passed down through generations, or is this something that was just purchased recently within the last year or two? Can I get some information about this property?

Mr. Hull: I do not know that off the top of my head. Again, the applicant and landowner is here, and you may want to ask the landowner.

Council Chair Rapozo: Are they here?

Mr. Hull: Yes.

Councilmember Cowden: Right there.

Council Chair Rapozo: Okay. Are there any other questions?  
Councilmember Evslin.

Councilmember Evslin: I have read the Director's Report, and it seems straightforward. It says that it was part of an old ditch that is dry. Are there other open parcels along the ditch? I guess, part of the question is for a half-acre property to go through this "rigmarole" and we are going to go through this every time for a bunch of Open parcels along this ditch, for something that makes total sense; one, is there a number of other Open parcels? Two, is it something that the Department ever does to just go ahead and give all those R-4s in one swoop?

Mr. Hull: We have not done that in the past, quite honestly, Councilmember Evslin. I was curious when this property came up, because it was...I do not think I have seen another property so blatantly obvious that...I do not quite understand, and Mr. Bosshard may have spoken to it in their analysis, they evaluated from, because it was on this portion of the dip side, but it is bounded on three (3) other sides by R-4. It seems to be blatantly apparent that this may have been a mapping missed error back in the '70s, but as far as going on further analysis further up the ditch or surrounding the R-4 existing area, we can go through the exercise.

Councilmember Evslin: I guess for me, "kudos" to the landowner for going through the process, but they hired an attorney to go through this lengthy process through the Commission and the Council. If there is a mapping error, or other obvious properties in the area that should be up-zoned similar to this, I hope we could potentially be proactive and just do it in one fell swoop, and if there are others, I do not see why you need to go through eye-to-eye through these maps and identify all of these, but this one seems like an obvious case. Thank you for your work here.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Based on what you just said, Ka'āina, based on planning, you said that it is pretty much "clean-cut," I just want to clarify that.

Mr. Hull: Say that again, Councilmember.

Councilmember Carvalho: Is this "clean-cut," as far as what we have here, the option for the landowner. Is everything in line with the Planning Department and landowner?

Mr. Hull: Yes, as far as the long-range plans. When you look at the SLUD it is Urban. When you look at the General Plan, it is Residential Community. It appears to all of the overriding land use policies for this area.

Council Chair Rapozo: Are there any other questions for Planning?  
If not, thank you very much.

Mr. Hull: Thank you.

Council Chair Rapozo: Thank you for being here, Kurt.

KURT BOSSHARD: Thank you for having me.

Council Chair Rapozo: If you could just state your name for the record.

Mr. Bosshard: Kurt Bosshard, Wailua Homesteads, applicant. May I address the Council?

Council Chair Rapozo: Sure, please.

Councilmember Cowden: Please.

Council Chair Rapozo: I think you heard some of the questions.

Mr. Bosshard: Yes. The broader questions are right on point. The property is on Kōloa Road, so it is accessible to the highway. I think the ditch has not been there for about fifty (50) years. Alexander & Baldwin (A&B) sold it to the prior landowner at that time, or waived the easement that it had, and I am assuming that the Open zoning was a result of the ditch being there. As I understand it, there are two (2) reservoirs in the neighborhood that connect the service of water system that is mostly defunct, so you have ditches running through all these different properties. I got a call from one of the other neighbor properties across the road asking, "I have the same situation, how do you do this?" Many property owners that have these defunct ditches, not just in the Lāwa'i area, I understand, but I have had numerous conversations with some of you about ditches. Particularly in the Wailua area, where you have all these abandoned ditches that are showing up on people's properties, but there is no movement to ever have water run in them again. The Wailua Reservoir issue is a really big issue, right? They are talking about decommissioning the reservoir and dumping the water in Wailua River. They have turned it over to the Department of Agriculture, who has no resources here to deal with it, and it is just not going to happen—there is no funding for it. I believe the Planning Department occasionally is tasked with reviewing Open zoned lands, and they just do not have the resources to do it. There are so much haphazard Open zoning based upon the plantation activity that was going on around the 1970 timeframe. A review of those lands...I guess it would be helpful to the public, to go through the processes is rather lengthy, and how much ditch water are we seeing running right now, and we are losing it every day. You have seen this ditch issue, Kaua'i Island Utility Cooperative (KIUC) at the south exit of the Wailua water to the hydroelectric plants, and what they have to go through to get the permission to do that through the State now. Much of the space at the Kaua'i Springs case, and they just withdrew their application, I believe, to keep those activities going, because the ditch maintenance is overwhelming, and now it is an issue of what to do with the ditch, because if KIUC is not going to maintain it, and it has breaches...The State does not have the funds to do it. We had the East Kaua'i Water Company for a while, they did yeoman's work, but it is just like swimming upstream—there is not enough money to do it, nor the will, and then the environmental laws conflict with this too, because the cost of getting a permit, you need to have all these environmental studies. I guess, I am getting back to the point that Councilmember Evslin raised about a review of the whole system would be nice, but I do not think there is funding to do it.

Council Chair Rapozo: Okay. Councilmember Cowden, do you have a question?

Councilmember Cowden: Yes, I do. I appreciate your background and working with land management, law, and everything else. When I look at what happened in Kīlauea when we covered these ditches in the same way, then when we were done, it was like, "Darn, we made a big mistake." What has struck me, and have you considered or is this a consideration that Planning would have, if a large pipe was put under the ground, so if there was ever a choice to want to put some water through it, that we could, because in a small area...before you bury the ditch, the ditch is dug, or it could get cleared, and a pipe get put in there.

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

Councilmember Cowden: I know in Kōloa along this water system, the cattle do not have enough water, there is a lot of challenges, because that water is not flowing. What are your thoughts on that? Is that something that is under consideration for putting some kind of pipe, so we do not permanently remove, because you could still be on top of it and the water goes underground?

Mr. Bosshard: All of this would be quite controversial with the environmental laws and the use of water. You have the bureaucratic side and you have the legal side, and the legal side is overwhelming in terms of the steps you have to go through to draw water, so you are getting into native claims, concerns, all of that type of thing, such that I think that there is not a long-range plan for any of this. So, the scope of what you are talking about, and every circumstance being different, but the scope of burying that pipe would be like burying money. It would be deteriorating the moment you put it in, so if you did not have an immediate need for it, you would be wasting your money, and there is no plan for this. Just taking the Wailua Reservoir, we just spent three million dollars (\$3,000,000) to five million dollars (\$5,000,000) restoring it, and now they are talking about draining it, and there is no organization, concern, or means of dealing with the threat of one (1) agency handing this over to the Department of Agriculture, and there is no resources associated with the transfer, it is going to be abandoned and it is going to be strange.

*(Councilmember Carvalho was noted as present.)*

Mr. Bosshard: The consequences of draining the reservoir now, I do not think have been looked at, not so much from a farming aspect, because there really is not that much farming going on in that zone in between Kapa'a Middle School and the Wailua Reservoir, which services that area.

Council Chair Rapozo: We need to get back to Kōloa.

Councilmember Cowden: Yes.

Mr. Bosshard: I am glad I got the chance though.

Council Chair Rapozo: I know. We need to get to the item, which is the zoning application.

Councilmember Cowden: I was just looking and knowing when the people upstream, I believe on that same *'auwai*, are trying to get the water coming down.

Council Chair Rapozo: I share your concerns.

Councilmember Cowden: Even if you put a cap on either side, because I get what you are saying, because I am following this Board of Land and Natural Resources issue and I followed that whole Supreme Court passageway, but what I do know from Kilauea, is once we buried that ditch, it is done, and we have these reservoirs that could be giving us...

Council Chair Rapozo: Direct the question to him.

Councilmember Cowden: Okay. You are saying it is too difficult to put a capped pipe in there.

Mr. Bosshard: Yes.

Councilmember Cowden: Alright.

Mr. Bosshard: I think there are environmental issues and every other issue that is going to come up that we do not have the resources to address right now.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I had this question for Ka'āina, when he said maybe the landowner can answer it, and that would be you. Agriculture, open space, is what you said your two (2) parcels are, and you are surrounded by Urban and Residential. Is this a long-time family property or was it just recently purchased, and would the lots or the homes be built for your family members?

Mr. Bosshard: First, there is no agriculture around it. It is Residential R-4 in each direction. I purchased my interest in the property several years ago and I am constructing a roughly one thousand four hundred (1,400) square foot house on it, presently. The purpose of this is to be able to build a one thousand (1,000) square foot house on it, as well. There is no way that this density is going to get...what is available due to infrastructure, the layout of the lot, although it is level, it is not all contiguous to Kōloa Road, so the infrastructure needs would be too great to do. I do not think a subdivision would happen there, period. Other than that, I would see probably three (3) houses being on the property. You have septic issues, you have to have ten thousand (10,000) square feet for a septic system—there are so many different things. I would raise the point that with the intentions of increasing density with Additional Rental Units (ARUs) or ADUs, and all of that, which is good, but if you are not on the sewer system, you are not seeing much being

built, because of the septic issues, the layout of the land, the infrastructure that is around—it is just not available.

Councilmember DeCosta: I understand, but you bought this as an open space area when you bought that extra piece of land.

Mr. Bosshard: Yes.

Councilmember DeCosta: So the price you paid on that land was not a residential lot, it was an open space lot, because the zoning did not qualify for a house at that time.

Mr. Bosshard: It had qualified for one (1) house and this would add a second home.

Councilmember DeCosta: Okay, I just want to make sure we do not open up a “can of worms” to speculative buyers to come in and say, “I am going to buy an open space lot, and come to the Planning Department or the Council and have it rezoned.” But I can see it is for family and long-time residents of Kaua‘i.

Mr. Bosshard: You are always going to face that question. The bottom line is, right now we need houses, and a thousand (1,000) square foot house would be a reasonable addition to the inventory. It will always be a concern, but I think that the limitation is the infrastructure. I think that is where you are going to get...whatever you do, “the cows are not leaving the barn.”

Councilmember DeCosta: I am all for public housing, especially for our local families, so I support this one hundred percent (100%). I just wanted to send a message to the community out there who want to move to Kaua‘i, and find a spot they can buy as an open space, and think they will come to us a year later, and ask us for a zoning change.

Councilmember Cowden: Okay.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I have a follow-up on that. I am not holding the same attachment, but I did not think I heard you saying you are doing this for yourself and your family, right? That is what his question was. Are you moving into the house?

Mr. Bosshard: No.

Councilmember Cowden: No.

Mr. Bosshard: Everything is about family. Everything we do is about family.

Councilmember Cowden: Right.

Mr. Bosshard: I mean, my family, yes. I have probably eight (8) or nine (9) affordable rentals.

Councilmember Cowden: Yes.

Mr. Bosshard: So, I think I do my share on that front.

Councilmember Cowden: Yes.

Mr. Bosshard: Particularly with how much the taxes have gone up.

Councilmember Cowden: I just wanted to make sure that we were super clear, because I know that you have a number of affordable rentals that you have built. I have seen the houses that you have had, and I see who is in them. I do not know if we can say "yes" or "no" to something based on that.

Council Chair Rapozo: Councilmember Cowden, is there a question?

Councilmember Cowden: Okay.

Council Chair Rapozo: We will have time to share our comments, but right now, it is not the time.

Councilmember Cowden: Okay. Alright, I am fine. He answered my question.

Council Chair Rapozo: Thank you. Are there any other questions?  
Thank you, sir.

Mr. Bosshard: Thank you.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? If not, I will call the meeting back to order.

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

Council Chair Rapozo: Now, we will have discussion. Again, let us have the discussion here; when we get to first reading, we will move it on to public hearing. Councilmember Evslin.

Councilmember Evslin: To me, this is clear. State Land Use District Urban in the General Plan, this is Residential Community surrounded by R-4, it is a dry ditch. I just want to clarify my own request to the Planning Department, was not necessary to go through the island and find all these ditches and start up-zoning them, it was really, just that we know that this ditch in particular is dry, if there are a half dozen Open zoned parcels around it, we could look at up-zoning them all at the same time. Also, when I spoke my piece earlier, I did not realize that Kurt was both

owner and applicant/attorney for the project, so when I said “hire an attorney,” I guess they are lucky that the owner happens to be an attorney and can go through this process on their own. The other landowners in the area probably do not have that, and it would potentially be good for us to look it up. Yes, no brainer for me.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: I am sorry. We are just changing what I am used to. So, can I ask Ka‘āina another question?

Council Chair Rapozo: Sure.

There being no objections, the rules were suspended.

Mr. Hull: Thank you, again, Council. Ka‘āina Hull on behalf of the Planning Department.

Councilmember Cowden: Thank you. I just want to ask, this property where there is a dry ditch, if you go upstream of this ditch, is it completely covered off in any other areas? Has this been a ditch that has been closed off? Because this is in a central area.

Mr. Hull: I am not aware of what the state of the ditch is further up.

Councilmember Cowden: Where does that get looked at? Seems like that is a Planning issue. Where does the ditch come from and where does it go? Have we looked at that?

Mr. Hull: The Department has maps through the Bureau of Conveyances that will depict some ditches, but many ditches have not been necessarily officially mapped and recorded on a Bureau of Conveyances map. We do have access to those maps.

Councilmember Cowden: Can you send the map of this ditch to me?

Mr. Hull: Oh, this ditch.

Councilmember Cowden: Yes.

Mr. Hull: Absolutely.

Councilmember Cowden: Just that ditch before the Committee Meeting I would like to see the ditch, just to know where else has been covered.

Mr. Hull: Yes, we can get that.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Thank you. This ditch goes through several R-4 lots, or several residential lots on Kōloa Road, as I am looking at this map here?

Mr. Hull: Yes.

Council Chair Rapozo: Are other properties along this ditch?

Mr. Hull: Yes, there are other properties along that ditch.

Council Chair Rapozo: Is that ditch still open on all the other properties or did the other property owners fill it in?

Mr. Hull: I do not know.

Council Chair Rapozo: Did we go down there and look?

Mr. Hull: Not on the other properties.

Council Chair Rapozo: Okay.

Mr. Hull: I will just point out too that there are ditches on Open properties, as well as there is ditches on Residential properties, so that is why my earlier statements as to why this was Open, I am not sure, but it is a valid point that Councilmember Evslin brings up, as far as assessing some of these lands. I am not quite sure what type of criteria we could set up, per se, but it is a valid point.

Council Chair Rapozo: Thank you.

Councilmember DeCosta: I wanted to follow up on what Councilmember Evslin said about there probably being more properties out there. I know I brought one (1) of them to your attention in Kalāheo with the Perreira family. That ditch, same thing, it is in the middle of their property, would we be able to assist those families if they all come forward, or is this going to be a case-by-case scenario that we will be doing?

Mr. Hull: So far, it has been a case-by-case situation. But like I said, and I was just texting a Geographical Information System (GIS) analyst while sitting in the back, who is trying to figure out what type of criteria we could set up to say, "This we will put into the system, now GIS map it, and let us see what those properties look like."

Councilmember DeCosta: I think that would be helpful for our community because I am sure there are other families. I would like to see more affordable homes going into our community, and this looks like it will add one (1) more dwelling into our affordable community. Thank you, Ka'āina.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Was any outreach done to the Commission on Water Resource Management?

Mr. Hull: For this, no.

Councilmember Cowden: Okay. Then, when it rains hard, has any evaluation been made of what the pooling or what the water levels are? Has anyone looked at any of that kind of water elements, like where the water is sitting or moving in a heavy rain or any kind of flooding condition?

Mr. Hull: The Engineering Division reviewed the zoning amendment and they also will review any proposed improvements to it, and they would agree addressing flooding issues at that point.

Councilmember Cowden: Okay. They already did it, or can I have a report from them?

Mr. Hull: They had no comment on this zoning amendment, so no concerns were raised.

Councilmember Cowden: Okay.

Council Chair Rapozo: We will get that sent over.

Councilmember Carvalho: Just following up on what you mentioned about the GIS overall, is that part of the open part of it as we move forward?

Mr. Hull: Moving forward, to try and see if we can set up a criteria system to look at lots like this that are in Open District, ditches or otherwise that are adjacent to existing urban land use patterns, as well as within the existing State Land Use District is something that is an appropriate task to at least try to undertake. I am trying to map it out in my head, but I do not have it set, but it raises a good point, and it is something that we will be discussing with our GIS folks as soon as I get back.

Councilmember Carvalho: Okay, thank you.

Council Chair Rapozo: Are there any other questions for the Planning Department? If not, thank you very much.

Mr. Hull: Thank you.

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

Council Chair Rapozo: Is there any further discussion?  
Councilmember Cowden.

Councilmember Cowden: I very much would like to say “yes” to this, because I think it is important to be able to create more space for affordable housing. I appreciate the work that this particular applicant has done and in other places typically, very responsible. When I am asking these questions about the water, I think it is really important. When we get a Director’s Report, it seems like anytime we are closing a ditch, we should be working with the Commission on Water Resource Management. What I have seen heavily in Wailua, Kīlauea, Hā’ena, Wainiha, and up in Kapahi, when ditches get filled with someone’s green waste and rubbish, the way the water moves when it is raining hard, it spreads out, so anytime you are stopping the ability of the land to absorb that water, whatever amount of water that does come in that area, is going to then not come to this area and flood laterally, or some other way, so it is not trivial to be closing these ditches. I know in Kīlauea, when we closed in our ditches it was a whole big community conversation, and everyone did it at the same time. Though now, we are having to run a new pipe. They had been digging the pipe from the Kalihiwai Reservoir down into the area where that ditch had once gone, and that is quite a bit of expense, and we have a lot of these issues. It seems to me, whenever we are covering a ditch, we need to really think about the waterflow, because when it is dry, it is dry when it is not raining. It is dry when a valve is turned off somewhere, and those valves are in place to be able to diffuse the water in different areas, so there must be a *hanawai* man from that area. I could name names in the different time, but it seems like this is certainly information that we could get. I think it is really important that we do not just spot-do this without at least getting a quality report on the waterflow in the area, and that would be the Commission on Water Resource Management—they have that, and we should be talking to them.

Council Chair Rapozo: I agree with you. Is there any other discussion? I will just say, I definitely agree with that. When we look at ditches, we need to be very careful. Reading this report, it says that it was connecting two (2) reservoirs, that I am assuming are still active reservoirs, they are not decommissioned reservoirs, so at some point with the focus on agriculture, I definitely want to get clarification from whoever is responsible or qualified to make that determination on whether or not this ditch should or should not be covered. The second question was answered...when I read these Director’s Reports, I go straight to the section that has the General Plan, because I want to make sure that the General Plan is in compliance. One of the sections in the General Plan that was highlighted or mentioned in here was, “The amendment would offer opportunities for local housing, and more importantly would be considered infill housing by supporting infill development.” I heard your question, I heard the answer that this would be for local housing and not investment, not Transient Vacation Rentals (TVRs), because I will be honest with you, if the development is going to produce Airbnbs, although not allowed, or investment properties, I am not inclined to support any zoning change, but in this case, he answered the question, I am satisfied. I still agree with Councilmember Cowden, and we need to definitely pursue the ditch issue. Is there any other discussion? Councilmember Evslin.

Councilmember Evslin: Sorry, Chair, I did not mean to speak after you. We are not voting here to fill the ditch in. As the Planning Director said, there are actual running ditches with R-4 associated with them or Residential zoning

associated with them. In the Director's Report it says one of the conditions is that you have to evaluate potential drainage impacts upon further development. It is something that seems like it will get, if there is development in the surrounding area, then that is the time where you need to analyze the drainage impacts.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I just want to make sure I am understanding. Honestly, I looked in the wrong place. I was looking for information. I was looking in the wrong place. We are not going to fill in the ditch, because typically, if we are changing it, is that conditional in here that we would not be filling in the ditch, because I think that is the critical piece.

Councilmember Evslin: I can speak to whether they are eventually going to fill in the ditch. Even if the ditch is already filled, my only point was that, all we are doing is changing the zoning associated with the land in the dry ditch. Presumably, it says it is a right-of-way, presumably there is land on either side of that ditch, when associated with the rest of the parcel it gives the whole parcel the ability to develop more housing, which might be clustered somewhere, theoretically, but all I am saying is that as a condition of this, it says that you have to evaluate drainage impacts when it eventually gets developed.

Councilmember Cowden: Okay. If I can just follow up.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I see that we have a pattern of checker boarding and one Council with the best of intentions will make a decision, then four (4) years later there will be another impact and another impact, so I want to be really careful, because if we have not done that drainage piece well, that we would need to maybe put a caveat in there. Can we do that? Can we put a caveat in there that that ditch stays open, because Hā'ena and other areas, we have seen such a problem. Certainly in Wailua Homesteads, and it scours around one area, and it creates a problem somewhere else, so we have to be responsible to that.

Council Chair Rapozo: Yes. The ultimate language of the zoning amendment is in the form of a bill, so if we do our due diligence, and we determine that we want that restriction in the zoning amendment, yes, we absolutely can put that in.

Councilmember Cowden: Okay.

Council Chair Rapozo: I totally understand what Planning was saying. This applicant, should he want to do anything on that property, still needs to go through the regulatory and permitting process. I would be comfortable if we can get a confirmation from an agency that is responsible, I am not sure what that agency is, it could be Water Resource Management, I do not know. What is the other one? Corps of Engineers. I do not know who to ask, but we will find out, and to determine if in fact there is a possibility...this is what I am concerned about, is there

a possibility that we will reuse that ditch again, later, to provide water to farmers down the road. That is all. Is there any other discussion?

Councilmember Carvalho: I just wanted to clarify what you just said, Chair, about the applicant, they would have to come back.

Council Chair Rapozo: Correct.

Councilmember Carvalho: Based upon what we are hearing today and based upon everything, it is in one (1) area, but anything else that comes before, needs to come back, and we need to talk about it.

Council Chair Rapozo: Yes.

Councilmember Carvalho: Yes, they go through the Planning Department.

Council Chair Rapozo: This is our only shot at having our concerns addressed. I believe our Council should take advantage of every opportunity to make sure that what gets approved is really what we want.

Councilmember Cowden: I am just covering it that this is a bill, so we are going to have three (3) times to look at it. I just want to make a correction on what I believe is a correction on what you had. These ditches are not just about agriculture, these ditches are about waterflow, so that area in Kōloa has flooded badly, so when we close off a ditch, we stop an area for it flowing beyond a certain area.

Council Chair Rapozo: Right.

Councilmember Cowden: It really should not be confused with only benefiting agriculture, that is a parallel benefit. Certainly Kōloa has a lot of waer management problems, and there are a number of ditches and earthen dams in that area, and we need to be very careful.

Council Chair Rapozo: Thank you. Is there any other discussion? This is it. We will not have any discussion, because my plan is to release Planning after this item.

The motion to receive C 2023-08 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

C 2023-09 Communication (11/17/2022) from the Emergency Management Administrator, requesting Council approval to apply for, receive, and expend United States Department of Homeland Security (DHS) grant funds, via the State of Hawai'i Department of Defense – Hawai'i Emergency Management Agency (HI-EMA), in the amount of \$150,000.00 with a 50% cost-match, for the Fiscal Year 2022 Emergency

Management Performance Grant, which will support two (2) existing Kaua'i Emergency Management Agency (KEMA) staff positions (Emergency Management Staff Specialist and Emergency Management Program Support Technician II), which support day-to-day prevention, protection, mitigation, response, and recovery activities.

Councilmember Carvalho moved to approve C 2023-09, seconded by Councilmember Cowden.

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

Council Chair Rapozo: Are there any questions?

Councilmember Cowden: Very quick question.

Council Chair Rapozo: That is fine. I will suspend the rules. Elton, Clerk, whoever. I have one question, as well.

Councilmember Cowden: Thank you for being here. My very quick question.

Council Chair Rapozo: Hold on, let them get settled.

Councilmember Cowden: Okay, sorry.

Council Chair Rapozo: You can just introduce yourselves.

There being no objections, the rules were suspended.

ELTON USHIO, Emergency Management Administrator: *Aloha*, Elton Ushio, Emergency Management Administrator.

DIANE DEHART, Emergency Management Staff Specialist II: Diane DeHart, Staff Specialist.

Councilmember Cowden: Okay, very quick question. Are these existing positions? Is this just re-funding those existing positions? Just an affirmation of that. That is not adding to our budget, is this what we are regularly doing?

Mr. Ushio: Yes, these are existing positions. This is a Federal grant that has been recurring for many years.

Councilmember Cowden: Alright. What we see clear here is that your day-to-day functions is a routine needed job.

Mr. Ushio: Yes.

Councilmember Cowden: Okay. That is my question.

Council Chair Rapozo: Are there any other questions? Are these temporary positions?

Mr. Ushio: These positions are contract positions. Our intent is that they be semi-permanent, but they are not General Fund funded civil servants.

Council Chair Rapozo: This is grant funding, right?

Mr. Ushio: Yes.

Council Chair Rapozo: So, when the grant runs out...

Mr. Ushio: This grant has been around for, as far as I recall, my entire tenure at the Kaua'i Emergency Management Agency (KEMA), and before that Civil Defense. It is a very stable source of funds that supports states, counties, territories, and tribal organizations.

*(Councilmember Evslin was notes as present.)*

Council Chair Rapozo: Explain the seventeen and a half (17½) month performance period with the fifty percent (50%) cost-match. I am assuming they are funding fifty percent (50%) of the salary, and the County funds the other fifty percent (50%).

Mr. Ushio: There is a Federal performance period. If you look at the grant guidance, I believe the performance period given to the State Emergency Management Agency started...I can actually pull that data up right here. Hang on for a second. Our performance period is retroactive, although it is July 1, 2022 through January 31, 2024.

Council Chair Rapozo: That is the seventeen and a half (17½) months.

Mr. Ushio: I believe so.

Council Chair Rapozo: Whatever it is.

Mr. Ushio: As far as the match, we do an in-kind match where we count General Fund positions against it, and we actually have more than enough to match the one hundred fifty thousand dollars (\$150,000).

Council Chair Rapozo: So, there is no out-of-pocket cost to the County.

Mr. Ushio: No.

Council Chair Rapozo: Are there any other questions? If not, thank you very much.

Mr. Ushio: Thank you.

Council Chair Rapozo: Is there anyone in the audience 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 Rapozo: Is there any discussion? Seeing none.

The motion to approve C 2023-09 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

C 2023-10 Communication (11/17/2022) from the Fire Chief, requesting Council approval to purchase non-budgeted equipment of one (1) Fire Engine with Fiscal Year 2023 funds in the amount of \$900,000.00, which will replace a Fire Engine for the Kaiākea Fire Station, and due to supply chain issues and increased demand, Fire Apparatus manufacturers are advising of a two-year turnaround time for delivery from the time of order.

Councilmember Carvalho moved to approve C 2023-10, seconded by Councilmember DeCosta.

Council Chair Rapozo: Are there any questions from the Members?

There being no objections, the rules were suspended.

SOLOMAN KANOHO, Fire Assistant Chief: *Aloha*, good morning, Soloman Kanoho, Program Manager of Kaua'i Fire and Ocean Safety.

Council Chair Rapozo: Go ahead, Councilmember Cowden.

Councilmember Cowden: Thank you. I appreciate how the Council has been invited out to the dedications for these rather impressive fire trucks that we are getting. If I remember correctly, one of the last ones in Waimea was six hundred thousand dollars (\$600,000), do I have that right? It was either that one or one in Lihu'e.

Mr. Kanoho: Correct. At that time, the purchase for that piece of fire pumper apparatus was a little over six hundred thousand dollars (\$600,000).

Councilmember Cowden: What brings this one up to nine hundred thousand dollars (\$900,000)? Is it just inflation and all that we have been going through?

Mr. Kanoho: Part of it has to do with COVID-19 over the last two (2) years. There has been a steady increase anywhere from ten percent (10%) to fifteen percent (15%) over the last decade. Also, just the sourcing of raw materials, especially steel, and metal items, including electronics that are involved. Current bid quotes that we received recently from some manufacturers are in the ballpark of approximately eight hundred seventy thousand dollars (\$870,000) to nine hundred thousand dollars (\$900,000) per pumper.

Councilmember Cowden: Is this from that manufacturer in North Dakota?

Mr. Kanoho: Correct. There are also manufacturers that we have dealt with before, which was Pierce Manufacturing. Our Engine 2 apparatus, which we purchased in 2011, that apparatus was actually eight hundred eleven thousand dollars (\$811,000) at the time.

Councilmember Cowden: Not too long ago we had an evaluation for our fire being at capacity, I think the audit was conducted by Spire, do I have that right? It was a forty-thousand-dollar (\$40,000) Fire Department study that we did, were you here for that discussion?

Mr. Kanoho: Yes, correct.

Councilmember Cowden: I asked him about what happens when the motherboard in these trucks fail, and if they need to be replaced? He said that he had a short period of time. Do you remember his response when I asked, had it ever happened?

Mr. Kanoho: Great question. It has happened to several of our apparatuses. The module that you are talking about is called an ECU. Basically, it is a computer module. We have had issues, which is basically the electronic brain that controls the apparatus on that. To get a replacement for that, we have had that happen to two (2) of our front-line apparatuses in the past. They have since been put off-line. They were in reserve status, but now they are in the process of being disposed of at the moment.

Councilmember Cowden: Okay. Our auditor or the person who did that study, I asked what typically happens, and that truck gets thrown away, which sounds like what is happening.

Mr. Kanoho: Correct. It goes out for auction through the County process. Just to give some other broad information regarding the audit, but not only...there was a document that was handed out to everyone. Basically, it is what is called National Fire Protection Association (NFPA) 1911. They are the governing organization that sets the standards for operation for all fire departments across the country. This one pertains specifically to apparatus standards for inspection, maintenance, testing, and also the retirement of an apparatus. One of the issues that we have, which compounds our ability to maintain and inspect our apparatuses is we do not have a facility for our mechanics to operate, repair, or to do

just basic routine maintenance on the apparatuses. They do not have a bay or any type of lifts available to them. We have been very fortunate that we sought assistance from the Department of Public Works at the Līhu'e Baseyard. Recently, we asked them to assist us with one of our reserve trucks in allowing us to fix an issue that we had with our transmission on one of our apparatus.

Councilmember Cowden: My next couple of questions are intended with maximum respect, so please do not feel bad. Do you recall me asking the question of, can we please get extra, you said, ECU? I think of it as the Central Processing Unit (CPU), but remember I have asked that before, can we get it? Do you remember that question?

Mr. Kanoho: Vaguely. My apologies.

Councilmember Cowden: Can I get just a little bit of clarity?

Council Chair Rapozo: I am trying to figure out what the direction is.

Councilmember Cowden: This is very important.

Council Chair Rapozo: The ECU.

Councilmember Cowden: Yes, the ECU.

Council Chair Rapozo: Is the question, can we stockpile these ECUs so when one goes down we can replace the ECU?

Councilmember Cowden: Yes.

Council Chair Rapozo: Was that the question?

Councilmember Cowden: That is basically where the question is going, because I was told before that they are not going to go out and I do not need to worry about it, but now, I have learned that two (2) of them have gone out.

Council Chair Rapozo: Right.

Councilmember Cowden: As Committee Chair for Public Safety & Human Services, that has not been given back to me in a report. What I would like to ask, and what I want to say is, I have some background in this. Typically, if we are having a specially-manufactured truck to our individual requirements, we can require them to give us a second motherboard or ECU. We could ask that, and we should at least ask if we could ask that, and put that in there so we do not risk nine hundred thousand dollars (\$900,000) for a fifty thousand dollar (\$50,000) component or thirty thousand dollars (\$30,000) or whatever it might be. Let him answer that question first.

Mr. Kanoho: Very good question. At the time the ECU units that you are talking about were related to an apparatus that we received from

Pierce Manufacturing. We started with that company back in 2001 and the last purchase or invitation for bid in 2011. The ECUs that were affected were those last two (2) engines, which was our frontline Engine 4 and our frontline Engine 3 that we actually got replaced, repaired, and fixed. Those ECUs at the time that we were going through this process were approximately over two thousand dollars (\$2,000) apiece, and they had to be programmed. For Engine 4, we could not get that component directly from the manufacturer. We actually had to solicit and find a manufacture in Texas that was able to do that. We were successful in getting one (1) of the ECUs to work in one (1) of the pumpers, but we struggled and had issues with getting it to work on the Engine 4 spare pumper. After approximately three (3) tries to program and get that module to work, we still could not get that module to work. At this time, the only frontline apparatus that we have that is a Pierce unit is our Hazmat vehicle. I think you should have a copy of what we had as our current apparatus specification.

Council Chair Rapozo: Sol, the equipment that this item is about, the apparatus is a fire truck.

Mr. Kanoho: Yes, correct. It is basically our engine.

Council Chair Rapozo: The big fire truck.

Mr. Kanoho: Yes, the big fire truck, correct.

Council Chair Rapozo: Not the pumper.

Mr. Kanoho: That is the pumper.

Council Chair Rapozo: Sorry. I am not...

Mr. Kanoho: Sorry, we have a lot of acronyms and a lot of identifications.

Council Chair Rapozo: Are we talking about a big fire truck?

Mr. Kanoho: Pardon?

Council Chair Rapozo: Are we talking about a big fire truck?

Mr. Kanoho: Yes, we are talking about the big fire truck and not the smaller brush trucks. I do apologize, Engine 8 is also here.

Council Chair Rapozo: No problem. I kind of figured it out. Are you looking at replacing?

Mr. Kanoho: Yes. On that list, if you look towards the left, you see three (3) highlighted numbers, and I apologize that it is so dark on there. In our current budget, we are replacing Engine 6, but that is in our current budget right now, but because of the timeframe, it is taking approximately a year and a half (1½)

to two and a half (2½) years with the average being two (2) years for manufactures to build and send us an apparatus right now.

Council Chair Rapozo: Engine 6 is already funded.

Mr. Kanoho: Engine 6 is going out for bid, correct. It is funded, it is in this budget, and we are asking for funding, but because of that build timeframe, we need to act now.

Council Chair Rapozo: Okay. Which one (1) are you looking to replace?

Mr. Kanoho: We are looking at replacing Engine 8. Originally, in this document, it had not been updated, at the time, due to the years of service in the NFPA 1911 document, apparatus frontline service is normally anywhere from ten (10) to twelve (12) years if you are a municipality or a major city. For jurisdictions such as the Kaua'i Fire Department (KFD), we can get by with twelve (12) to fifteen (15) years of frontline service. After that, it is recommended that the apparatus be placed on a reserve status, and be utilized from anywhere from twenty (20) to twenty-five (25) years of service.

Council Chair Rapozo: Okay. Are you going for a request for proposal (RFP) for this?

Mr. Kanoho: A RFP for this, yes, or there is a cooperative purchasing agreement.

Council Chair Rapozo: My only concern is, if this gets approved, it is going to be spent before the end of the Fiscal Year.

Mr. Kanoho: Yes, that is correct.

Council Chair Rapozo: Okay.

Mr. Kanoho: We did identify within our budget, we have seven (7) firefighter vacancy positions right now. Part of my task was to try and locate those funds, so that we could at least accomplish the first-year payment that was necessary. That would be approximately one hundred twenty-eight thousand five hundred seventeen dollars (\$128,517), but please do not quote me on that.

Council Chair Rapozo: But the request is for nine hundred thousand dollars (\$900,000).

Mr. Kanoho: Yes, that is based on a seven-year lease.

Council Chair Rapozo: Okay.

Mr. Kanoho: Approximately one hundred twenty-eight thousand five hundred seventeen dollars (\$128,517).

Council Chair Rapozo: Got it.

Mr. Kanoho: I might add that this year on our budget, we also are having another apparatus Engine 1, which is coming off lease payment. Then, the following year, we have another apparatus that would be the seventh year, so its last payment.

Council Chair Rapozo: And that frees up that.

Mr. Kanoho: Yes, that would free up additional funds to accomplish that.

Council Chair Rapozo: Got it. Are there any other questions?  
Councilmember Cowden.

Councilmember Cowden: How many mechanical apparatus fire trucks do we have left? How many vehicles do we have that are not dependent on this ECU?

Mr. Kanoho: Well, with the way everything works these days, every vehicle right now has an electronic module.

Councilmember Cowden: Short answer is, none. We do not have any that do not have that.

Mr. Kanoho: Correct.

Councilmember Cowden: Do you have any in the back lot or anywhere?

Mr. Kanoho: Are you asking if we have reserve apparatuses available for use?

Councilmember Cowden: I am just wondering if we have any. I will not give any examples. Do we have any sitting in the back that are mechanical, or does everything have an ECU?

Mr. Kanoho: It is my understanding that all of our current and existing fleet has the ECU module units. Just that different manufacturers...the issues that we had was just with that one (1) manufacturer.

Councilmember Cowden: I understood that, so every one of them. That is all I wanted to know.

Mr. Kanoho: Yes, correct.

Councilmember Cowden: That is all I wanted to know. Can Kaua'i Fire Department please ask the manufacturer for the possibility and the cost to provide a backup or two (2) of these ECUs, because the reason why you need it done when it is manufactured is each one (1) of these trucks is really custom, so when they build one (1) ECU, they can easily construct three (3). Then, they send them in a big packet,

so if they say you cannot replace it...we want them to customize it, so they can put the replacement part in, so we do not lose the availability and have it sit in the back lot for six (6) months or a year. Can we ask for that please?

Mr. Kanoho: We could ask for that. Normally, there is a one-year bumper-to-bumper warranty that covers issues like that.

Councilmember Cowden: That is not what I am asking.

Council Chair Rapozo: I think he answered the question.

Councilmember Cowden: No, he did not.

Mr. Kanoho: Yes, we could ask for that.

Council Chair Rapozo: He said we could ask.

Mr. Kanoho: We could ask for that.

Councilmember Cowden: So, you could, but I asked will you, please.

Council Chair Rapozo: Let me say, this is like going to the dealership, buying your car, and saying, "Hey, can I get another ECU for this pickup truck that I just bought?" I mean, yes, you can buy whatever you want. The bottom line is that these ECUs are built with the truck. So, if three (3) years from now your ECU goes down, that ECU that you bought three (3) years ago is no good.

Councilmember Cowden: That is right. Well, wait a minute.

Council Chair Rapozo: That is right. That is what I am saying.

Councilmember Cowden: No, no, no, no, no.

Council Chair Rapozo: I am telling you. So, it would be foolish to buy an ECU.

Councilmember Cowden: No.

Council Chair Rapozo: Okay. Can you at least research the possibility.

Mr. Kanoho: Yes, I can. We have two (2) Fire Mechanics on staff, they would be able to get that. As Council Chair Rapozo had alluded to earlier, we can ask for these additional items, it is just a matter of do we know when or if that particular item...we do not know the date that it would expire, or not expire at all. Currently, we have a similar apparatus, which is our ladder truck, Ladder 4, that has been in service since 2016, and thus far we have not had an issue. The ECU on the previous apparatuses—those issues happened eight (8) years down the road after they were in service. So, to get spares for those pieces of equipment, they would

be sitting on the shelf, and electronics, normally, unless they are taken care of, there is an expiration time on those pieces of equipment. It might mean a better use of time and money to be able to work out some type of package with the dealer down the road, which is something I will explore with our Fire Mechanics to cover that.

Council Chair Rapozo: Like an extended warranty.

Mr. Kanoho: Correct. That is a cost factor.

Council Chair Rapozo: I understand.

Mr. Kanoho: Correct.

Council Chair Rapozo: It is not for this discussion, we can definitely have this up on an item to discuss your fleet, but how big of an issue are ECU failures?

Mr. Kanoho: The two (2) issues that we had happened a couple of years ago.

Council Chair Rapozo: We have had two (2).

Mr. Kanoho: Yes, we had those two (2).

Council Chair Rapozo: How many trucks are in our fleet?

Mr. Kanoho: Right now, every station (8) has a pumper. We also have our hazmat truck, a tanker, a truck (3), and also our ladder truck on top of that, so approximately fourteen (14).

Council Chair Rapozo: So, it is not common.

Mr. Kanoho: It is not common. That issue that happened with the ECU happened with a different manufacturer that was across the country. We had one (1) out of two (2) success in reprogramming that module. So far, out of the first six (6) years we have had with different manufacturer on half of the fleet that we currently have, we have not had an issue yet with our ECUs.

Council Chair Rapozo: Got it.

Councilmember Cowden: Just a simple follow-up. What was the cost of those two (2) trucks that we had to decommission because of the loss of the ECU? To not be able to successfully replace it. What is the cost of each of those trucks?

Mr. Kanoho: Each of those trucks, at that time, I do not have the exact figure, but I want to say that one (1) was approximately four hundred fifty thousand dollars (\$450,000) to five hundred thousand dollars (\$500,000), and the other one (1) was about five hundred thousand dollars (\$500,000), based on just the time that they were purchased.

Councilmember Cowden: Thank you.

Council Chair Rapozo: And how long after?

Mr. Kanoho: Those issues started happening approximately eight (8) to ten (10) years after they were in service on the line.

Council Chair Rapozo: Got it. Councilmember DeCosta.

Councilmember DeCosta: I think I can shed a little bit of light on this. I have been listening about motherboards and purchasing an extra motherboard. When our motherboard went down on those vehicles, was it a malfunction of that specific motherboard, or was it a malfunction of all the motherboards that were built for that certain pumper truck across the nation, and they had a recall? What is your professional knowledge on it?

Mr. Kanoho: I wish I had one of our Fire Mechanics here, he would probably be able to identify specifically what that is. If I am not mistaken, there is a series of different electronic boards within that apparatus, and the board in particular affected the transmission and the pump transmission, not working together to engage the pump from being able to drive and disengage from a road operation to being able to pump with the apparatus.

Councilmember DeCosta: I was just thinking about this, so if we are going to purchase an additional motherboard, but there was a malfunction in the original one that we bought, and it was across all the motherboards that were made for that specific pumper truck, then we are actually buying a motherboard that could malfunction also—that is why I asked about that.

Mr. Kanoho: Yes, that is correct. There is no guarantee that the new one would not also become a defect. Now, there is also the ability to refurbish the motherboard, which is a cheaper cost. Approximately between two thousand two hundred dollars (\$2,200) to two thousand five hundred dollars (\$2,500), if I am not mistaken, was to refurbish our motherboard. To purchase a brand-new one with no guarantee that it would also fail eventually down the line, that was double the cost.

Councilmember DeCosta: Just thinking out loud, we are working with public safety, the community is where our funds should go, which is safety, so these trucks that are retiring, I noticed twenty-five (25) years, they still may have some life out of them, if we would keep one of them around, so when we send the motherboard back to get refurbished, if it took six (6) months to refurbish that motherboard, we still have another pumper in the mix.

Mr. Kanoho: Correct.

Councilmember DeCosta: Correct.

Mr. Kanoho: Yes, one of the standard requirements is that we have, based on the number of apparatuses frontline on our fleet, we need to have two (2) reserves. We currently have three (3).

Councilmember DeCosta: Perfect. You folks have it all covered.

Mr. Kanoho: Yes.

Councilmember DeCosta: Thank you.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you.

Mr. Kanoho: Thank you.

Council Chair Rapozo: Is there any public testimony? Seeing none.

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

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I feel it is foolish to not look into this topic and this was an area of specialty for me. At one time, I was a test engineer; we made these products, we looked at these products. When these products fail, it is because there is a crack. Like maybe the truck goes off the road or hits something that cracks that piece. Maybe it gets overheated, it is too close to a fire. The things that make ECU fail or some of the other pieces in the components that are connected fail because of environmental problems, typically, not because of programming problems, so this is a hardware issue, not a software issue. The reason why you cannot just get something like you gave the example, if you buy a truck and you do not ask for a new CPU in your car. I have had mine go out in two (2) different vehicles. By the way, they never worked right again when I get a new one. What happens is, if say you have a 2015 vehicle, all the rest of the components and chips are designed for that customized truck, in the time period that ECU is designed. These are computers that sit inside the system and they work together, so to choose to have a storage place, which is completely possible, this is the industry that I worked in, and my friends are still running these industries, there is equipment that you can put when you have this replacement board where you sit it in there, so when your piece goes down...it would have been nice if the mechanic was here, but it should be designed...these are all customized pieces of equipment, whether they are high or kind of a front hose, it has been very impressive—these trucks, these apparatuses—they are uniquely designed, so you could uniquely design it. When we are here in Hawai'i where we have geckos, salt air, and all kinds of things, I cannot get a washing machine to last two (2) or three (3) years, because that chip goes out, stereos go out. This is fine computerized equipment inside, so having it sit in the back lot for six (6) months, we basically burned nine hundred thousand dollars (\$900,000) worth of equipment, because we could not replace that ECU. I think I am asking a very valid question. When we are saying we want to buy a nine hundred thousand dollar (\$900,000)

apparatus, to ask that extra question, "What can we do?" What if it is right along these places with salt air? Almost every place is salt air where we have our fire stations. What can we do? I think that it is a very minor question to be asking. I do not appreciate having that set aside like it is not a reasonable question—it is a reasonable question. This is a computerized piece of equipment; it is not a new carburetor. We do not even have carburetors anymore.

Council Chair Rapozo: I am not sure why you are so defensive. You asked the question, and he said he was going to look into it.

Councilmember Cowden: Because you said it was a truck.

Council Chair Rapozo: Because I what...

Councilmember Cowden: You said it was like changing a piece in a truck, it is not, these are customized equipment.

Council Chair Rapozo: Okay, I am just saying...

Councilmember Cowden: I want to know.

Council Chair Rapozo: I thought I heard, you do not need to come back up, I thought I heard him say clearly, that he was going to look into it—that is what I heard, so I am not sure why the defensiveness.

Councilmember Cowden: I do not want us to make that mistake again. Nine hundred thousand dollars (\$900,000) is a lot to put in. If we have an electrical storm like we did when we had our 2018 flood, we had six (6) hours of two (2) highly charged electrical cells. If we had something like that, it is going to hurt all of our equipment, or it has the potential to hurt all of our equipment—that kind of static charge in the atmosphere is the type of thing that damages these. So, when we see a trend, when we talk about climate change, I think it is a small ask.

Council Chair Rapozo: He said he was going to look into it.

Councilmember Cowden: Okay.

Council Chair Rapozo: We are good, we are not mad, we are good. Is there anyone else? Councilmember DeCosta.

Councilmember DeCosta: Thank you for your explicit definition and defining everything. I look at those motherboards like how I look at our Apple phones. Do they not come up with an Apple phone every year? Every couple of years they find new faults, or new improvements. So, if we are going to buy a motherboard and let it sit on the shelf for two (2) or three (3) years, in that third year, they may have improved the motherboard, and it might be obsolete. I think looking into it is a much better option than just trying to buy it, right now.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I appreciate Councilmembers due diligence for looking into all these issues, and making sure that we make the best decision for our public funds, and I also appreciate the Fire Department for looking ahead of time, considering the timeline of how we make sure these get fixed in time, so that we are never understaffed or underequipped for situations in our community. I know this is important for all of our stations, especially as we have a growing community, so I really appreciate this discussion.

Council Chair Rapozo: Is there anyone else? If not, thank you. It is one hundred thousand dollars (\$100,000) this year for a new truck that is sorely needed. Is there any final discussion?

The motion to approve C 2023-10 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

C 2023-11 Communication (12/01/2022) from the Director of Finance, requesting Council approval to accept terms contained within Elavon's Terms of Service Agreement for over-the-counter transactions, to also include online payments associated with the Land Information Management System (LIMS).

Councilmember Carvalho moved to approve C 2023-11, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion?

Councilmember Cowden: I have a question.

Council Chair Rapozo: Okay. Finance.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: Good morning, Reiko Matsuyama, Finance Department.

Councilmember Cowden: Hi, this is very simple. I have been so excited that we are going to be getting the Land Information Management System (LIMS). When I was reading this, I could not quite determine if we already have something up and running. If so, when is it up and running? If not, is this for the future, or is this something we have?

Ms. Matsuyama: We do not have any online payment portal yet. But yes, LIMS itself, which is a product of its elements, it is up and running in multiple departments. You can find it at [connect.kauai.gov](https://connect.kauai.gov). Basically, it is a public-facing platform, but then it provides the internal workflow, and the workflow pushes it out to many County agencies, so we can get approvals throughout the multiple stages, so that the public does not need to go to the Planning Department, then to the Building Division, then to the Fire Department.

Councilmember Cowden: When I think of Land Information Management System as we discussed, is this part of what we purchased with the original six million dollars (\$6,000,000) four (4) years ago, or is this pre-existing that?

Ms. Matsuyama: I do not think we spent that much money.

Councilmember Cowden: We did spend six million dollars (\$6,000,000) for a whole network of things that we approved. I am putting those numbers together in the first budget in 2018, because we were trying to become more modern, for lack of a better word, that is like an old-style word. Does the Planning Department have LIMS working on it already?

Ms. Matsuyama: Yes.

Councilmember Cowden: How long has the Planning Department had LIMS working?

Ms. Matsuyama: For well over a year now, they have had ARU and ADU applications online, but they do not have the payment part of it. This payment part of it that you are approving today will kind of complete the cycle, so that they do not need to come in and pay a check after they have already done their online application.

Councilmember Cowden: Is the Department of Public Works in our LIMS now, too?

Ms. Matsuyama: The Department of Public Works is, the Engineering Division, the Roads Division—I think you saw the demonstration on roads—the Solid Waste Division, the Wastewater Division, and the Buildings Divisions, are all in the works, so there are a lot of different agencies. The Department of Parks & Recreation is on it. Department of Finance, Real Property Division, Fire Department is on it, and Economic Development.

Councilmember Cowden: Okay.

Ms. Matsuyama: The Planning Department is ahead of everyone.

Councilmember Cowden: Okay. In this request here, you are asking for the terms of service, so I am happy on that. This was just an opportunity to ask that question. Maybe in the next couple of months, I will ask for a briefing from the Information Technology (IT) Division, so we can see a diagram of how everything is up and running, because that was a big step that we were moving into.

Ms. Matsuyama: Yes. I would encourage you to go to the website [connect.kauai.gov](http://connect.kauai.gov) and check it out.

Councilmember Cowden: Connect.kauai.gov. Yes, I will look through that. I look in different little portals, but I was not aware of how it was coming together. Okay, thank you.

Council Chair Rapozo: Thank you. Are there any other questions?  
Councilmember Carvalho.

Councilmember Carvalho: The online payments, again, to be specific, it is not everyone right now?

Ms. Matsuyama: Whoever is on LIMS and needs payment attached to whatever application or permit they are applying for, they could have this. The online payment would accept credit cards, debit cards, and e-checks, so you can pay directly to your bank. What we are trying to do is, the credit and debit card fees would be passed on, but the County will absorb the processing fees for the e-check, so it would provide a free avenue to pay instead of coming in.

Councilmember Carvalho: Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you.

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

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I am very excited. As a millennial, I am most excited about any advancement in technology, and ability for our community to have access to paying things, so thank you for going after this.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: I just want to say, I am really happy that all of this is moving forward, too. With maximum respect to our last Administration and team, they did a great job from anywhere from pen and paper to an old-style way of doing things, and now we are moving forward. I am happy to be hearing about this and to have people in the room, because we have not had as much updates on that. Great. I am happy.

Council Chair Rapozo: Thank you. Is there any other discussion?

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

The motion to approve C 2023-11 was then put, and carried by a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next items are claims, Clerk.

CLAIMS:

C 2023-12 Communication (11/14/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Dordick Law Corporation representing Evan Schaben, for personal injury and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-13 Communication (11/21/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Craig Koga, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-14 Communication (11/22/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Melva Christunas, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-15 Communication (11/25/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by John Mullen & Company representing DB Insurance Company, as subrogee of Kim Murriera, for damage to personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-16 Communication (11/29/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Merlene Takemoto, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Carvalho moved to refer C 2023-12, C 2023-13, C 2023-14, C 2023-15, and C 2023-16 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Rapozo: Thank you. Is there any discussion? Is there any public testimony? Seeing none.

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

The motion to refer C 2023-12, C 2023-13, C 2023-14, C 2023-15, and C 2023-16 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of a vote of 6:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: The motion is carried. Next item, please.

COMMITTEE REPORT:

COMMITTEE OF THE WHOLE

A report (No. CR-COW 2023-01) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“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 (*Nīhau Minimum Tax*),”

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

Council Chair Rapozo: Is there any discussion? Is there any public testimony? Seeing none.

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

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

Council Chair Rapozo: Thank you. Next item.

#### RESOLUTIONS:

Resolution No. 2023-04 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Rose Ramos-Benzel*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-04, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony?

Councilmember Cowden: I have a simple question for Ellen.

Council Chair Rapozo: Sure.

There being no objections, the rules were suspended.

ELLEN CHING, Administrator Boards & Commission: Good morning.

Council Chair Rapozo: Good morning.

Ms. Ching: Boards & Commissions Administrator Ellen Ching.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: I have a simple question. Some of these we have appointed very recently. Just help me understand why we are reappointing them. Does this have to do with the Inauguration and a new Mayoral position? If we just approved them in the last year, why are we doing it again?

Ms. Ching: Because they have filled a partial term.

Councilmember Cowden: Okay.

Ms. Ching: By Charter, we are required to keep the terms as they are, we cannot change terms. So, if someone resigns for personal reasons, health reasons, that is usually the case, then we fill that position. The person coming in will fill that person's term, so it may be a couple of months, it may be six (6) months, sometimes it is even just one (1) month. Then, when that term ends, we reappoint them.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Thank you, Ellen.

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

Council Chair Rapozo: Is there any further discussion? Seeing none.  
Roll call.

The motion for adoption of Resolution No. 2023-04 was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Next item.

Resolution No. 2023-05 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Kelly M. Gentry*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-05, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-05 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-06 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER SUPPLY (*Julie Simonton*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-06, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-06 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-07 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Bronson Bautista*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-07, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-07 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-08 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Beverly Gotelli*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-08, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-08 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-09 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Dee Crowell*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-09, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call, please.

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

The motion for adoption of Resolution No. 2023-09 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2023-10 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Randall Nishimura*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-10, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-10 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-11 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Leland Kahawai*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-11, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-11 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2023-12 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Mark Ono – Kapa'a-Wailua*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-12, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-12 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2023-13 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Francis DeGracia, Jr. – Labor*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-13, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-13 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item.

Resolution No. 2023-14 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Lori Otsuka – Business*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-14, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-14 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2023-15 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Jerry Ornellas – Environmental*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-15, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-15 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you very much. Next item, please.

Resolution No. 2023-16 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Patrick Ono*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-16, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-16 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-17 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Lee S. Gately – At-Large*)

Councilmember Carvalho moved for adoption of Resolution No. 2023-17, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-17 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2023-18 – RESOLUTION APPOINTING BERNARD P. CARVALHO, JR. AS REPRESENTATIVE AND BILL DECOSTA AS THE ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES

Councilmember Carvalho moved for adoption of Resolution No. 2023-18, seconded by Councilmember Evslin.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony? Seeing none. Roll call.

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

The motion for adoption of Resolution No. 2023-18 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, DeCosta, Evslin,	
	Rapozo	TOTAL – 5,
AGAINST ADOPTION:	Cowden	TOTAL – 1,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes, one (1) no.

Council Chair Rapozo: Thank you. Next item, please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2893) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN LAWA'I HOMESTEADS, KAUAI (*Kurt Bosshard and Steven Absher, Applicants*)

Councilmember Carvalho moved for passage of Proposed Draft Bill (No. 2893) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 11, 2023, and that it be referred to the Planning Committee, seconded by Councilmember DeCosta.

Council Chair Rapozo: Thank you. Is there any discussion? Is there any public testimony?

Ms. Fountain-Tanigawa: We have one (1) registered speaker.

Council Chair Rapozo: Mr. Bosshard.

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

Mr. Bosshard: The broader discussion kind of strayed from what the circumstances are on the property, which is there is no ditch, there is no easement, and the *kama'aina* that I have talked to have never seen a ditch on it. It was a zoning situation whether it was Open zoning, and you can kind of tie that to a ditch system that has been abandoned years ago. The Department of Public Works is the entity that would address this like any other property, because the (inaudible) and apparently, they did, there was a site visit was done of the property. There is a house that is under construction right where the ditch would have otherwise been. Kōloa Road is right here and there is no place for water to enter the property as it used to. A&B gave up the ditch rights or the easement many years ago, and there is a transfer document on that. This is not a Commission on Water Resource Management (CWRM) thing, it is not a Corps of Engineers thing, there is no water, and there is not ever going to be any water in this ditch, so I hope you will take that into account, because otherwise I am going to get dragged into something...

Council Chair Rapozo: No, no, thank you. That is the way it was presented by the Planning Department; it seemed like the ditch was there.

Mr. Bosshard: No, there is a house there.

Council Chair Rapozo: Okay.

Mr. Bosshard: It is the natural drainage of the property as it would have been. It was the alteration of the natural drainage historically by a ditch, which no longer exists. There is no sign of a ditch there.

Council Chair Rapozo: Thank you.

Mr. Bosshard: Nor any legal right for anyone to claim access.

Council Chair Rapozo: Understood. Thank you. Councilmember Cowden.

Councilmember Cowden: Thank you for that clarification. Thank you for watching. I was disappointed when you left because I wanted your input. Extra clarification, when you bought the property, there was no ditch there.

Mr. Bosshard: No ditch.

Councilmember Cowden: To your knowledge there has never been a ditch there, it was simply the potential for a ditch.

Mr. Bosshard: I believe there may have been a ditch there at one time—I do believe that. But I have the transfer document from A&B from fifty (50) years ago to the Hamamoto family as the water was no longer running there, and they eliminated it. It is right next to Kōloa Road, so there is no access point for any ditch water to come onto the property.

Councilmember Cowden: Okay, and no record of flooding in the past ten (10) years on that property from what would be a ditch.

Mr. Bosshard: No. That is not the flooding side of the Kōloa issue of the tourist area down there, any water goes west.

Councilmember Cowden: Yes. Okay.

Mr. Bosshard: There are houses all along Kōloa Road. It is actually in Lāwā'i Town.

Councilmember Cowden: Okay. Thank you for that clarification.

Council Chair Rapozo: Thank you. I would like to explain why I had that question, let me just read the report, it says, "The Department's research indicates that the Open zoned portion of the lot was used in conjunction...where an

existing ditch right-of-way travels through the area. The ditch provided a connection between two (2) nearby reservoirs located on the *mauka* and *makai* side of Kōloa Road. As a result the foregoing parcels were designated Open. It is noted that the ditch is no longer utilized for agricultural purposes, and remains dry.” I read that as the ditch is there, but it is dry. If it was written where “there is no ditch...”

Mr. Bosshard: I hear you.

Council Chair Rapozo: Okay.

Mr. Bosshard: When you are there and you are used to having it a certain way, you do not associate it with it, you are going to have reasonable questions about whether there is one or not.

Council Chair Rapozo: Yes, I expect the report to tell me what is there, so I can visualize. I visualize a ditch that was connecting two (2) reservoirs that are no longer being used.

Mr. Bosshard: I do not know how they are connected, because it has to come across Kōloa Road, too.

Council Chair Rapozo: I am just reading what is in the report. Thank you.

Mr. Bosshard: If there was a tunnel or whatever.

Council Chair Rapozo: Overpass.

Mr. Bosshard: Aqueduct.

Council Chair Rapozo: Thank you, my friend.

Mr. Bosshard: Sorry about that.

Council Chair Rapozo: No, no. Thank you.

Councilmember Cowden: Thank you very much.

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

Council Chair Rapozo: Is there any further discussion? The motion is to send to public hearing and off to the Planning Committee. No further discussion. Roll call.

The motion for passage of Proposed Draft Bill (No. 2893) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 11, 2023, and that it be referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Evslin, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. Last item, please.

BILL FOR SECOND READING:

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 (*Ni'ihau Minimum Tax*)

Councilmember Carvalho moved to approve Bill No. 2889 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Motion is to approve. Roll call.

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

The motion to approve Bill No. 2889 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:	Bulosan, Carvalho, Cowden, DeCosta, Evslin, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. That concludes the open public agenda. We have an Executive Session, is Matt around?

Ms. Fountain-Tanigawa: Yes, right here.

EXECUTIVE SESSION:

ES-1087 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority regarding In the Matter of the Tax Appeal of Hope Kallai, Case No. 1CTX-22-0000126 (Tax Appeal Court of the State of Hawai'i). This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1087, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none. Roll call.

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

The motion to convene in Executive Session for ES-1087 was then put, and carried by the following vote:

FOR APPROVAL:	Bulosan, Carvalho, Cowden, DeCosta, Evslin, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Just for clarification, the motion was to go into Executive Session.

Ms. Fountain-Tanigawa: Go into Executive Session, correct.

Council Chair Rapozo: Thank you. With that, the Council Meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:40 a.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:jy