

COUNCIL MEETING

JANUARY 25, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair KipuKai Kuali'i at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Wednesday, January 25, 2023, at 9:26 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i

Excused: Honorable Bernard P. Carvalho, Jr.
 Honorable Mel Rapozo

APPROVAL OF AGENDA.

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

Council Vice Chair Kuali'i: Is there any 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 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kuali'i: Clerk, can you read the next item?

MINUTES of the following meetings of the Council:

January 11, 2023 Council Meeting
January 11, 2023 Public Hearing re: Bill No. 2893

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

Council Vice Chair Kuali'i: Is there any discussion or public testimony?
Mr. Hart.

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

BRUCE HART: For the record, Bruce Hart. What I would like to speak on is Councilmember Cowden's communication relating to fireworks, at last week's Public Safety & Human Services Committee Meeting, PSHS 2023-01. I want to thank Councilmember Cowden for bringing that to the Council. I had intended to speak on the item and after listening to what I thought was a really good presentation by Chief of Police Todd Raybuck, I had to reflect on my position. After having reflected, I find myself in accord with Councilmember DeCosta. After having prayed about it and everything that it is only fair that when it is only two (2) days out of the year, that those who practice the use of fireworks, legally, and legal fireworks should be afforded that opportunity. Having said that, I would like to speak to the illegal fireworks and illegal use of them. The technical term is pyrotechnical devices. So that the public understands and the Council, I think you understand, but some of these devices are being manufactured here on Kaua'i. I know this because I was a victim of one of them. That issue is serious. The Kaua'i Police Department (KPD) and the bomb squad, which Captain Applegate oversees, they take it seriously. One officer spoke in my case, to me personally, and I thought that his compassion towards me in regards to what had happened to me was commendable. I can assure the Council and the public that Captain Applegate and the bomb squad are dedicated to what they do. It is not a division that the public is readily familiar with. I just want to thank KPD bomb squad for what they do. Thank you.

Council Vice Chair Kualii: Thank you. Is there anyone else have any public testimony? Seeing none, is there any discussion?

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

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

Council Vice Chair Kualii: Clerk, can you please read the next agenda item?

CONSENT CALENDAR:

C 2023-25 Communication (01/18/2023) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2022-2023, pursuant to Section 17 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2022-2023.

Councilmember Cowden moved to receive C 2023-25 for the record, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Do we have anyone in the audience or on Zoom wishing to testify?

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

Council Vice Chair Kualii: Members, is there any discussion?

The motion to receive C 2023-25 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: Motion is carried. Clerk, can you read the next item, please?

COMMUNICATIONS:

C 2023-26 Communication (01/05/2023) from the Chief of Police, requesting Council approval of the indemnification provision in the Callyo CAPE Drone Software License Agreement, to allow the Kaua'i Police Department's (KPD) Incident Management Team to stream live drone footage to a multitude of devices to allow for real-time situational awareness of an incident.

Councilmember Cowden moved to approve C 2023-26, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions of the Administration?

Councilmember Cowden: Yes.

Council Vice Chair Kualii: Councilmember Cowden.

Councilmember Cowden: *Aloha*. I realize this communication is really just for indemnification, I understand the subtilty of what that means. This is our opportunity to learn the good work that you folks are doing. I would like to know a little more about CAPE Drone Software and how we are using drones. Is this new? Do we have this already?

There being no objections, the rules were suspended.

MARK T. OZAKI, Acting Assistant Chief of Police: For the record, Acting Assistant Chief of Police Mark Ozaki, Administrative & Technical Bureau. I need to give my regards on behalf of Chief of Police Todd Raybuck, he is attending the Legislative Session today. If not, he would be here. The Drone Program is under my chain of command, but I will be the first to admit that I am not the subject-matter expert. That is why I brought Sergeant Sakaguchi. I will turn your questions over to him.

TROY K. SAKAGUCHI, Sergeant, Office of Professional Standards & Criminal Intelligence Unit: Sergeant Sakaguchi. I oversee the operations of our drone program. We have been around for five (5) years. Basically what this

system allows us to do is take live footage and send it to any mobile device or laptop, and the next level is actually to our radios itself. Therefore, they will be able to see the footage from the drones on these. One of the biggest events I can talk about is the Hanalei landslide. We were one of the first responders to arrive and put the drone up. The problem was we had to land the drone, take the card out, run into the Hanalei Substation and put it into a shared drive, so that our unified command (UC) could see it. If they wanted a better view of something, we had to run back out, put the card back in the drone, and put it back in the air. This allows seamless integration to where what I am seeing is exactly what everyone else is seeing. This really helps us streamline this process of how we probably can alleviate and assign manpower.

Councilmember Cowden: This is a new software.

Mr. Sakaguchi: The software is new.

Councilmember Cowden: How many drones do you have?

Mr. Sakaguchi: Currently, KPD has two (2).

Councilmember Cowden: Two (2). Okay.

Mr. Sakaguchi: The Kaua'i Fire Department (KFD) has two (2).

Councilmember Cowden: Will this software allow us to see KFD's also?

Mr. Sakaguchi: Yes. I work side-by-side with KFD and this system will let both entities use it.

Councilmember Cowden: Okay. Thank you. We are about ahead of the budget, if you do not know, it is not a problem, I understand we are just doing indemnification, but how much does the software cost?

Mr. Sakaguchi: Two thousand five hundred dollars (\$2,500) per year.

Councilmember Cowden: That is not very much.

Mr. Sakaguchi: No.

Councilmember Cowden: That is a really good deal.

Mr. Sakaguchi: Yes.

Councilmember Cowden: Okay. Thank you.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you for the presentation. Do we plan to use these drones for some criminal activities that you may see in the community; you get the call, KPD cannot get there right away, but you can fly the drones...

Mr. Sakaguchi: We cannot use it to establish probable cause.

Councilmember DeCosta: I see.

Mr. Sakaguchi: It is a situational awareness tool more than anything else. It has been out for evidentiary purposes, but after-the-fact.

Councilmember DeCosta: What is the reason why we cannot use it for probable cause?

Mr. Sakaguchi: That goes with some case law things.

Councilmember DeCosta: With technology nowadays, zooming in on license plates, profiles of people...it seems to be high-tech, that is situational statistical data, if you ask me.

Councilmember Cowden: I have a follow-up.

Mr. Sakaguchi: With any new technology, the case law has not caught up yet.

Councilmember DeCosta: Thank you.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: My follow-up would be about Fourth Amendment rights, illegal search and seizure.

Mr. Sakaguchi: Yes.

Councilmember Cowden: You cannot just stick a drone in someone's backyard, you cannot "lay and wait" for people with drones.

Mr. Sakaguchi: Yes.

Councilmember Cowden: That is the Fourth Amendment.

Mr. Sakaguchi: We work closely with the Office of the Prosecuting Attorney and the Office of the County Attorney on what we can and cannot do. We defer all our decision-making to them.

Council Vice Chair Kuali'i: Are there further questions? If there are no further questions, do we have anyone signed up for public testimony? Is there anyone in the audience or on Zoom wishing to testify? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I am curious along the lines of what were said by Councilmembers Cowden and DeCosta. I wonder if the officer could give us an overview of the law in the State of Hawai'i, the County of Kaua'i, as to the usage by the public of drones. I do not know if he is familiar with that, but I am not familiar at all. There are a lot of people using drones. That is my curiosity. Thank you.

(Councilmember Euslin was noted as not present.)

Council Vice Chair Kualii: Thank you. We will follow-up. It is not exactly the agenda item today, but we will follow-up and get an answer for you.

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

Council Vice Chair Kualii: Is there any discussion? Councilmember Cowden.

Councilmember Cowden: I have taken trainings on the use of drones. There are quite a lot of laws on the use of drones and as Council Vice Chair Kualii stated, that is really beyond the scope of what the officers are doing and the indemnity, but it is something that I am happy to look into. Fourth Amendment rights are really important rights to continue to have. I understand...I guess I am speaking to my colleague here; I understand the idea of doing proactive crime enforcement. This will be an area that will be very important for us to all be looking into. I am excited that KPD is going to have Facetime for 9-1-1 calls, that would be a huge boost. They have done so much good work with the communication, but I am happy to be supporting this drone software licensing agreement, and the indemnification of it, it seems like it makes more than enough sense and when the drone is up in the air, that you are able to communicate and work with it.

Council Vice Chair Kualii: Councilmember, I am just thinking on the spot here, maybe in your follow-up, you could do something in your committee and share the information with the public.

Councilmember Cowden: Yes, we can work on that.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you, Councilmember Cowden. I was just asking the right questions to bring up the right conversations. Not to say that the Fourth Amendment was not in the back of my lightbulb. I want to take a different turn on this.

(Councilmember Euslin was noted as present.)

Councilmember DeCosta: A couple of weeks ago, Councilmember Carvalho and I introduced a resolution to promote *kama'aina*. As I look out today, Acting Assistant Chief of Police Mark Ozaki, I want to thank you for stepping up and

taking the Chief of Police's spot this morning. That is a huge position. I am impressed that one of our *kama'āina* officers is sitting in for our Chief of Police. Thank you for taking on the responsibility. It shows me that you are a good asset to KPD. Thank you for bringing that man with all the knowledge on drones. Thank you both for being here.

Council Vice Chair Kuali'i: Is there further discussion?

The motion to approve C 2023-26 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kuali'i: Clerk, next item please.

C 2023-27 Communication (01/05/2023) from the Director of Parks & Recreation, requesting Council approval to apply for, receive, and expend Local Assistance and Tribal Consistency Fund (LATCF) moneys, in the amount of \$100,000.00, received in two (2) equal tranches of \$50,000.00, to be used to provide shade/cover over the Inclusive Playground at Lydgate Park.

Councilmember Cowden moved to approve C 2023-27, seconded by Councilmember DeCosta.

Council Vice Chair Kuali'i: Members, are there any questions of the Administration?

Councilmember Cowden: Yes.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: Thank you for having our inclusive park. I understand this is for kids with differences like Asperger's and Autism. Thank you for finding a grant to be able to put shade covering. Can you tell us what type of shade it would be? Will some of the sun come through? Why is it needed? Is it rain, is it sun, or is it both? It is nice to be out in the sunshine, too.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation: Good morning. Pat Porter, Director of Parks & Recreation. This one will be a combination of sunshade and rain shade. We are looking at all the major components of having a covering over the major components and also along the perimeter where the parents or guardians are watching.

Councilmember Cowden: What material is it made of? Is it a shade cloth or is it a concrete solid cover?

Mr. Porter: It is both. It is a combination of shade cloth and also metal and plastic components.

Councilmember Cowden: Plastic, metal, and shade. Okay. Thank you.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: Thank you for all you do. This was a huge cry out for not only protecting our special needs *keiki* who enjoy the park, but I believe there were some parents who needed some shade, so as they watch their *keiki*, that they are in a protected area. Was that part of the reason we got this covering?

Mr. Porter: Yes, exactly.

Councilmember Cowden: Okay.

Councilmember DeCosta: Thank you.

Council Vice Chair Kualii: Are there any further questions from the Members? Do we have any members of the public or on Zoom wishing to testify?

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

Council Vice Chair Kualii: Is there any final discussion? Councilmember Evslin.

Councilmember Evslin: I appreciate this. I am one of those parents who has sat in the mid-day heat in the park and I think it is really important. You can see both Kamalani Playground and the all-inclusive playground clear out often mid-day on hot days, because they get so hot. I am one of those parents who sometimes have been there, sitting on a bench, and drag my kids away, because I am the one who is sweating on the bench. I appreciate some shade. I think this is a great use of potential grant funds. I appreciate the effort here.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I wanted to thank the Director of Parks & Recreation. We had many conversations about this shade cloth and certain parents who were using it, like Councilmember Evslin. I do not have *keiki* this young, but this is a fine way for our community to know that as Councilmembers, this is the way we solve our problems. We do not just create laws and bills; we talk to certain directors, and we make our constituents happy. Mr. Porter, thank you for all you do.

Council Vice Chair Kualii: Is there anyone else?

The motion to approve C 2023-27 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: Motion is carried. Clerk, can you read the next item?

C 2023-28 Communication (01/09/2023) from the Chief of Police, requesting Council approval of the indemnification provision in the LexisNexis Master Terms and Conditions, to allow the Kaua'i Police Department (KPD) instant access to comprehensive public records data and advanced analytics to generate quality investigative leads, produce actionable intelligence, and drive informed decisions.

Councilmember Cowden moved to approve C 2023-28, seconded by Councilmember DeCosta.

Council Vice Chair Kuali'i: Are there any questions of the Administration? Councilmember Cowden.

Councilmember Cowden: This is existing software that we already have and we are just extending it, is that correct? Is this new?

There being no objections, the rules were suspended.

Mr. Ozaki: For the record, Acting Assistant Chief of Police Mark Ozaki. Yes, this is something that we have had since I have been in the Department.

Councilmember Cowden: Okay.

Mr. Ozaki: This is something we are renewing.

Councilmember Cowden: Okay, I see it. Renew. I just wanted to make sure. This is just how we communicate across the different departments; it is an indemnification...no problem. Thank you.

Mr. Ozaki: Thank you.

Council Vice Chair Kuali'i: If there are no further questions, while the rules are still suspended, do we have anyone signed up to provide public testimony? If not, is there anyone in the audience wishing to testify? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I want to take this opportunity to thank Acting Assistant Chief of Police Mark Ozaki and all the people at the Records Division of KPD. Again, the public is not usually aware of how important the Records Division is, until an incident happens in their life. What they do and the civilian employees do is sometimes a very difficult job. They must keep track everything that happens in regard to KPD and the public. They do a standup job. I know, because I have called upon them many times and I want them to know that I appreciate what they do. Thank you.

Council Vice Chair Kuali'i: Thank you, Mr. Hart.

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

Council Vice Chair Kualii: Members, is there further discussion?

The motion to approve C 2023-28 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: The motion is carried. Clerk, please read the next item.

C 2023-29 Communication (01/09/2023) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$79,390.00, to support funding for the continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor for Calendar Year 2023.

Councilmember Cowden moved to approve C 2023-29, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions of the Administration?

Councilmember Cowden: I have one. I am excited to see this is coming back, particularly for our *kūpuna*, but do not see in here that we have identified our dancers and musicians. Is it likely to be our same *kūpuna* group? They really enjoy doing that. I think this project is more for them than for the people arriving.

There being no objections, the rules were suspended.

NALANI K. KAAUWAI BRUN, Director of Economic Development:
Nalani Brun, Office of the Economic Development. In this round, we do not have the *kūpuna* back yet. We are still waiting through the pandemic. Our former program with *kūpuna* was with Alu Like, Inc.; presently they do not have a program manager, so we are waiting for that. Currently, because we do not have the *kūpuna* costs, this project basically keeps the musicians and entertainers working. We have a process where we bring them onboard, they fill out a questionnaire and we review their experiences, make sure they can work with others, they can get a Transportation Worker Identification Credential (TWIC) card, and they can pass the security requirements; so it is that, and then this time, which we have not done in the past, is we are trying to do a little more beautification. We are trying to install murals that have augmented reality, which we have worked on with Rice Street Business Association before. Basically, that would be our tool to help educate. With the murals there, visitors can run their phones over it and it would actually have someone helping them, giving them information about the area; the dos and the not dos, history and culture is what those murals would be for.

Councilmember Cowden: When you say "run your phone over," that is like a QR code?

Ms. Kaauwai Brun: Yes. It would be built into the design.

Councilmember Cowden: Okay. There are beautiful murals around, so that is a big “yay.” Are we reaching out to our same musicians, because I see them regularly and even though Alu Like is not functioning, I am told regularly that they want this gig. Can we make certain that they are all informed? They want to do it and so if we are going to put it up for anyone, and I am not trying to bias against other musicians, it is just that these are the musicians who regularly continue to ask me.

Ms. Kaauwai Brun: Okay. We are often looking for entertainers. We lost a lot during COVID-19, they moved away, so we are actively trying to rebuild who we can call on.

Councilmember Cowden: Okay. They play at...what is your brother's restaurant?

Council Vice Chair Kuali'i: Aloha Craft.

Councilmember Cowden: They play across the street here on Friday mornings, and sometimes I go there and listen to them...I want to acknowledge when I have gone with the Elderly Affairs group to see what goes on down there, it is so sweet and everyone is happy, including visitors. It is such a wonderful way to bring people into our community.

Ms. Kaauwai Brun: Great. Thank you for the suggestion.

Council Vice Chair Kuali'i: For clarification, how it worked in the past, the Alu Like group, the *kūpuna* group, were they primarily greeters and you also had the professional musicians?

Ms. Kaauwai Brun: Yes. They permanently have their “outing day” on Thursdays. When Pride of America cruise ship comes in, they would be the only ones greeting that ship. The other entertainers would cover all the other ships in the morning.

Councilmember Cowden: Okay.

Ms. Kaauwai Brun: The one struggle we have with bringing in the entire group was that we have to actually get transportation to get in there. Shirley used to be a part of the Alu Like program, she is not any longer. We doubled her as a driver of the bus and as the manager of the program, so that is the piece we have not put together yet. It is a tricky, logistical piece we need to have done. We also need to make sure that there is one (1) *kūpuna* per five (5) people that has the TWIC card, which is a security card for the harbor. I think we may have lost a few of those *kūpuna*, and so we have to “re-up” the managing of those security cards.

Council Vice Chair Kuali'i: Are you primarily waiting for Alu Like to bring on staff, so you can work with them?

Ms. Kaauwai Brun: That would be primarily the best way.

Council Vice Chair Kuali'i: Basically what Councilmember Cowden was alluding to is that they organize themselves to show up to the lobby there in the old Lihue Plantation building. There are a few of them that play *ukulele*, guitar, and sing songs; they have a good time. It is a good opportunity for them to gather as well. They seem to be doing it every Friday from 10:00 a.m. to 1:00 p.m.

Ms. Kaauwai Brun: I will go there.

Council Vice Chair Kuali'i: I think they might be able to organize themselves, too. Is it just one Thursday?

Ms. Kaauwai Brun: There is a schedule in the transmittal, but it is Thursday for sure, and then the dates are spotted all over the place, depending on what day they are scheduled to...

Council Vice Chair Kuali'i: I know historically the primary issue of support that they would receive and would want again in the future through Alu Like and the County, is the transportation.

Ms. Kaauwai Brun: Yes.

Council Vice Chair Kuali'i: Councilmember DeCosta.

Councilmember DeCosta: Thank you for all you do. A lot of times we have our opinions about having too much tourists on the island, but it is an economic driving factor. I am a little nervous of that conversation piece we had on the floor as Councilmembers or as a County entity we are not supposed to promote any one entity. We do have a non-discriminatory practice that we do when we have funds available and a group want to come in, we do not give preference to any group. They need to apply...what do you look for? Are you looking for the lowest bid? How do you allocate these funds to make sure it is an equal opportunity for everyone who would like to participate? Can you explain?

Ms. Kaauwai Brun: There are different pieces. For the individual entertainers, we have a process where we collect resumes and we find out: how they do, what type of music they play, et cetera. We determine how we can fit them together. For the murals—that was going out to a non-profit that is running those types of programs; seeing who can provide that service. For the *kūpuna* program, when we go back to that again, typically we know there are two (2) large *kūpuna* programs on-island. Those would be the two (2) that we go to and ask who would even be interested in doing something like that: what do they have, do they have *lei* makers, et cetera. There are elements we look at to check the box, make sure they can do this, and then make sure it is something that they want to do. From there, we determine what their needs are. Sometimes they need a certain amount of money, which we usually put out, because they have their lunches there, so we provide money throughout the year to cover their lunches and then also we have to figure out the issues with transportation. Just with those ten (10) to twenty (20) requirements that we have, we try to figure out who is the best fit and work it out with them. It is also

possible that two (2) groups can do it. It is just a matter of who is interested and who has what we need down at the harbor.

Councilmember DeCosta: Thank you for that clarification.

Councilmember Cowden: I have a follow-up.

Council Vice Chair Kualii: Councilmember Cowden.

Councilmember Cowden: I want to thank both Councilmember DeCosta and you, Councilmember Kualii, because I realized when you started to speak, I only ever been there when the *kūpuna* are playing. It never occurred to me that someone else where there. Anytime I had been there, it has been *kūpuna*, so I just figured who we had to get. I am not trying to replace anyone; I was just hoping we were not replacing them. It sounds like it has always been that there are professional...I am not calling our *kūpuna* non-professional, by the way, I am not doing that. Actually they do play professionally, but I just did not realize. Thank you.

Council Vice Chair Kualii: Did this is a Hawai'i Tourism Authority (HTA) grant, right?

Ms. Kaauwai Brun: Yes.

Council Vice Chair Kualii: Is it an ongoing thing?

Ms. Kaauwai Brun: We usually apply every year for it. We are the designated people on Kaua'i to do the greetings. We handle that. We work with Sue Kanoho and the Kaua'i Visitors Bureau on getting that done. The other islands also have greeting programs, they just have not started up yet. I think it is primarily because we have a good relationship with the Department of Transportation Harbors Division. We kept that as one of our priorities.

Council Vice Chair Kualii: This only lapse for a time there because of COVID-19?

Ms. Kaauwai Brun: Yes. The *kūpuna* were the last ones to be at the harbor in 2020 when we pulled out.

Council Vice Chair Kualii: Are there further questions?

Councilmember Cowden: Thank you.

Council Vice Chair Kualii: Thank you. While the rules are still suspended, do we have anyone signed up to provide public testimony? Is there anyone in the audience or on Zoom wishing to testify?

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

Council Vice Chair Kualii: Is there any discussion?

The motion to approve C 2023-29 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: Motion is carried. Claims. Clerk, will you read the Claims?

CLAIMS:

C 2023-30 Communication (01/03/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mario Baldovino, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-31 Communication (01/04/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Douglas Lam Yuen, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-32 Communication (01/06/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Robert J. Christensen, Esq., for back pay, loss of future earnings, damage to reputation, mental anguish, loss of enjoyment of life, and punitive damages, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Cowden moved to refer C 2023-30, C 2023-31, and C 2023-32 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Evslin.

Council Vice Chair Kualii: Is there anyone in the audience or on Zoom wishing to testify on these matters?

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

Council Vice Chair Kualii: Is there any discussion?

Councilmember Cowden: The third item is of interest to me, but just to let the public know that the Council will get all the information later in Executive Session.

Council Vice Chair Kualii: Yes.

The motion to refer C 2023-30, C 2023-31, and C 2023-32 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 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: Motion is carried. Clerk, next item, please.

LEGAL DOCUMENT:

C 2023-33 Communication (01/12/2023) from the County Engineer, recommending Council approval, of a Right-of-Entry for soil removal and indemnification, between the County of Kaua'i and the Grove Farm Properties, Inc. granting access to a parcel situated at Tax Map Key (TMK) No. (4) 3-3-021:097, Līhu'e, Kaua'i, Hawai'i, to remove soil for use as cover soil for the Kekaha Landfill.

- Right-of-Entry Agreement Waiola Site Soil Project

Councilmember Cowden moved to approve C 2023-33, seconded by Councilmember DeCosta.

Council Vice Chair Kuali'i: Are there any questions of the Administration?

Councilmember Cowden: Sure.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: We did this a few months ago; is this just more soil? Is this the same piece of soil, the Right-of-Entry...

There being no objections, the rules were suspended.

TROY K. TANIGAWA, County Engineer: Good morning, Councilmembers. Troy Tanigawa, for the record. Yes, this is the same project that we came before the Council last year. That agenda item was to request approval for the donation of the soil. Now, we are back before you to request approval of the Right-of-Entry.

Councilmember Cowden: Okay. Is there anything exceptional we need to know about this Right-of-Entry, or are we driving in and getting it; is this all this request is asking?

Mr. Tanigawa: It is a typical indemnity provision that we are asking approval for.

Councilmember Cowden: Okay.

Council Vice Chair Kuali'i: Councilmember DeCosta.

Councilmember DeCosta: Allison, could you tell me your new title?

ALLISON FRALEY, Environmental Services Manager: Good morning, Council. My name is Allison Fraley, for the record. I am the Environmental Services Manager, which is the head of the Solid Waste Division.

Councilmember DeCosta: *Kama‘āina*, again, stepping up and taking the lead in one of our divisions. I am impressed. Your work suppresses everything else; I am impressed. Thank you for taking on this role and new position.

Ms. Fraley: Thank you very much.

Council Vice Chair Kualii: Congratulations, Allison, and thank you for the work that you do. You, as well, Troy. If there are on further questions, while the rules are still suspended, do we have anyone signed up or on Zoom to provide testimony?

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

Council Vice Chair Kualii: Members, is there any final discussion?

The motion to approve C 2023-33 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: Motion carried. Committee Reports.

COMMITTEE REPORTS:

PLANNING COMMITTEE:

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

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

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

Council Vice Chair Kualii: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify on this item?

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

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

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: The motion is carried. Next item.

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2023-01) submitted by the Public Safety & Human Services Committee, recommending that the following be Received for the Record:

“PSHS 2023-01 – Communication (01/06/2023) from Committee Chair Cowden, requesting the presence of the Chief of Police, to discuss efforts and methods to deter the use and distribution of illegal fireworks, particularly aerial and homemade bomb-type devices on New Year’s Eve,”

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

Council Vice Chair Kuali‘i: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify on this item?

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

Council Vice Chair Kuali‘i: Are there any questions or discussion from the Members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kuali‘i: The motion is carried. Next item.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-01) submitted by the Finance & Economic Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2892 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 12.7(b) AND ADDING A NEW SECTION 12.15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES, APPEALS SETTLED BY DIRECTOR,”

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

Council Vice Chair Kuali‘i: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify on this item?

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

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

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: The motion is carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2023-02) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2890 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*OSC Waipā Foundation Acquisition of Halulu Fishpond*),”

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

Council Vice Chair Kualii: We received no written testimony. Is there anyone in the audience or on Zoom wishing to testify on this item?

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

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

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: The motion is carried. Next item.

BILLS FOR SECOND READING:

Bill No. 2890, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2022-886, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2022 THROUGH JUNE 30, 2023, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*OSC Waipā Foundation Acquisition of Halulu Fishpond*)

Councilmember Cowden moved to approve Bill No. 2890, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Vice Chair Kuali'i: Are there any questions of the Administration? Is there anyone in the public or on Zoom wishing to provide testimony?

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

Council Vice Chair Kuali'i: Is there further discussion? Councilmember DeCosta.

Councilmember DeCosta: I would like to reiterate for the community who supported and questioned the eight hundred fifty thousand dollars (\$850,000) that we approved from the Public Access, Open Space, Natural Resources Preservation Fund. It says here that Waipā will steward and manage the area consistent with its programs and stewardship of the *ahupua'a* and allow controlled access so the place does not get trashed or create a haven at night for illegal activities. I wanted to *mahalo* Waipā to being stewards of the *'āina* and also let our community know that if they would like to use this area, because it is their funds and their community money, to go down there and talk to Waipā and enjoy the area. That is what we do. We approve funds, but it is for everyone on Kaua'i from Kekaha to Hā'ena.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: I will agree with what Councilmember DeCosta said. As someone who had involvement with the organization at one level or the other, generally as a participant, eventually as holding my school on that property, but also as a volunteer and a regular *poi* maker for quite some time, I have a lot of confidence in the organization and newly recognize the gift that they are to not only the North Shore community, but to the island. I am enthusiastically supportive of keeping that, especially the pathway and the fishpond, in its renovated state. It is cultural recovery when we reclaim those areas.

Council Vice Chair Kuali'i: Is there further discussion? *Mahalo nui loa* to the Public Access, Open Space and Natural Resources Preservation Fund Commission (Open Space) for bringing this to us. I know it was a long time in the making. I think it is a really important investment and decision by the Open Space Commission and by us as well. All the folks at the Waipā Foundation are incredible community land stewards and they do such a beautiful job out there, they have come a long way over the last ten (10) to twenty (20) years. They are especially important as a place for our young people to visit and learn about our *'āina* and the Hawaiian culture. This is a happy, good thing to support. Roll call.

The motion to approve Bill No. 2890, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and resulted in the following vote:

FOR APPROVAL:	Bulosan, Cowden, DeCosta, Evslin, Kualii	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Five (5) ayes and two (2) excused.

Council Vice Chair Kualii: Clerk, next item, please.

Bill No. 2892 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 12.7(b) AND ADDING A NEW SECTION 12.15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES, APPEALS SETTLED BY DIRECTOR

Councilmember Cowden moved to approve Bill No. 2892 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions of the Administration? Do we have anyone signed up to give testimony? Is there anyone in the audience or on Zoom wishing to testify?

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

Council Vice Chair Kualii: Is there further discussion? Councilmember Cowden.

Councilmember Cowden: I appreciate Councilmember Evslin. You are bringing this forward to make some corrections on an earlier ordinance that we created that had profound impact. I want to appreciate our staff and the Department of Finance for working with us on that. I am just acknowledging the problem is solved for some, but not all. We need more work, but this is a good first step. I will be voting in favor of this.

Council Vice Chair Kualii: Councilmember DeCosta.

Councilmember DeCosta: I am going to thank our Director of Finance. She has done an excellent job and we do not thank her enough. This is a Bill to fix an unintended consequence of another bill. I want you to know that when we as Councilmembers are collaborating and discussing with the Administration, it does not seem to the public where we are...what is the term...not “in bed” with the Administration, but we are helping to solve a problem before it becomes a bill. A lot

of times I take it upon myself to work with Department Heads and the different divisions to solve problems. As the legislative body, it is not only our job to make bills, but it is our job to solve problems and when we can solve problems with department heads, it moves mountains. Thank you very much.

Council Vice Chair Kuali'i: I like solving problems, yes. Councilmember Evslin.

Councilmember Evslin: Thank you to my colleagues for their statements. Just to clarify a little bit for anyone in the public who might be watching, Bill No. 2892 just gives the Director of Finance more discretion to settle and stipulate appeals, and then we have the companion bill, Bill No. 2891, which was the comprehensive...providing tax credit and more flexibility over appeals with the Residential Investor tax class for 2022 and 2023. That Bill was going in tandem with this Bill, but it got sent back to Public Hearing and then referred to Committee. This Bill is not necessarily the one that is going to provide the tax credit and relief that we are looking for. This was sort of something that had to happen on its own regardless of Residential Investor; we hurried the process on this one because it is loosely related to it. This will help fix a lot of the other problems and help streamline the work of the board.

Council Vice Chair Kuali'i: Streamlining the process and avoiding unnecessary delays.

Councilmember Evslin: I want to thank the Office of the County Attorney who had a lot of work in developing this.

Council Vice Chair Kuali'i: Councilmember Cowden.

Councilmember Cowden: Thank you for splitting up the two (2) bills. I am aware that we are moving further on the other bill, but this one here that allows the Director of Finance to make it easier on the Board of Review—what this basically does is creates stipulations in there so when the Board of Review gets it, it is faster instead of people waiting months, or it could be years at the level that we have appeals right now. It is part of a tandem process. I am appreciative of it.

Council Vice Chair Kuali'i: Seeing no further discussion, can I get a roll call?

The motion to approve Bill No. 2892 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and resulted in the following vote:

FOR APPROVAL:	Bulosan, Cowden, DeCosta, Evslin, Kuali'i	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes and two (2) excused.

Council Vice Chair Kualii: Clerk, next item, please.

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 Cowden moved to approve Bill No. 2893 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember DeCosta.

Council Vice Chair Kualii: Are there any questions of the Administration? Do we have anyone signed up to give testimony? Is there anyone in the audience or on Zoom wishing to testify?

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

Council Vice Chair Kualii: Is there further discussion? Councilmember DeCosta.

Councilmember DeCosta: Spot zoning and is this an area where we have some flood mitigation are some concerns that were brought to our attention. I just wanted to clarify those for the record. Is there flood mitigation on this property that we need to worry about if we approve this Bill?

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Planning Director: Ka'āina Hull, Planning Director.
No.

Councilmember DeCosta: Perfect. Is this a spot zoning? This is a local family who wants to create another lot, another home for a local family, correct?

Mr. Hull: The colloquial phrase "spot zoning" is generally used when a particular property is zoned outside of any designation that surrounds it, say putting a R-4 zoning over a single property that exist within an entirety agriculturally zoned or open zoned area. This property is bounded on virtually all of its sides with one with Residential zoning, so this would not fit in line with the colloquial term "spot zoning."

Councilmember DeCosta: Okay. Thank you for the clarification.

Councilmember Cowden: I will frame this into a question, just to see that you are in agreement with me. I asked you a bunch of questions because I was worried that we were covering up a ditch. I went out there and looked at it and it looked fine. I want to give pushback or reflection on this approval has nothing to do

with the background or place or origin if anyone who might rent it or who is doing the development. This would be appropriate regardless of who the applicant is.

Mr. Hull:

Correct.

Councilmember Cowden: This is consistent with our General Plan update where we are recognizing that we do not have enough housing and we as a group, we have looked at being able to do an additional rental unit or an additional dwelling unit, and this property actually lends itself very well; it has plenty of room. It is a little noisy from the road, I did notice that when I was there, but it is basically being approved as housing, consistent with our General Plan. It does not have to do with who the applicant is.

Mr. Hull: No. We do not do that review. It is all based on long-range planning policies as well as the surrounding area in both the long-range policies as well as the surrounding areas compare with the up-zoning of this small portion of land from the Open zoning district to the Residential zoning district.

Councilmember Cowden: Thank you.

Council Vice Chair Kualiti: Councilmember Evslin.

Councilmember Evslin: I appreciate the work that you have done. We talked a bit on first reading about the possibility of looking at other similar parcels and instead of this process where the landowner needed to initiate it, that maybe it would be appropriate for the Planning Department to initiate some up-zoning in Urban zoned land that are in similar situations. Maybe there was some reason this was zoned Open, which is no longer necessary. Where are we at with that? Is that a possibility for looking more broadly and the Planning Department doing more comprehensive up-zoning on similar areas?

Mr. Hull: After the first reading that initiated the discussion, I did have a series of conversations and meetings with our staff internally to see how we can approach that issue. That issue being that just in this particular case, you have a former irrigation ditch area that was zoned Open to accommodate ditch usages that are not being used anymore as ditches as far as irrigation purposes. Looking "broad picture"—where we may have allowed this Open zoning designations for previous historical uses that are not in play now per se that could possibly be up-zoned. Our geographic information system (GIS) Analyst has already tabulated those properties, I do not have the number off the top of my head, but he has been tabulating those properties. We have a series of areas that could be approached. The issue is more of a "how do we approach" this, because these are all individual properties, meaning they would all technically need individual zoning ordinances to up-zone them, because we would obviously want to get in touch with the property owners to go over this proposal to make sure they also consent to up-zoning. Generally, you would think that property owners would want to up-zone, but there are purposes that they might not want to be up-zoned, just for perhaps taxation purposes. Having that individual zoning approach to these properties on a massive scale would necessitate a program to establish. As well as how the outreach is done,

anytime government gets involved, there will always be concerns. Just a few months ago, I had, which I thought was a benign statement to a journalist said something to an effect that the Department is in fact looking at possible property swaps for coastal properties and we were met with this wrath of, "Do not tread on my rights, how dare you want to give me property for my property," and my response was, "Your property might be falling into the ocean and we might have a program for you"...so how we approach individual property owners and the outreach done for that, even though it may seem on the onset as a benefit to the property owner, it may not be in the property owners eyes. That would take a lengthy and robust rollout. We are not shying away from, it is just needing much more analysis on our part to figure out how we would roll that out. We are open to discussions and input from the Council as we try to bring that program further along, it is just in its initial stages at this point, but that is where we are.

Councilmember Evslin: Thank you.

Council Vice Chair Kuali'i: Are you basically saying doing the work to identify the properties and then you are putting the information out there to the property owners, so that if they wanted to, then they could? You are not doing some type of blanket...you are not recommending a "blanket" approach?

Mr. Hull: I think it would behoove us as I am sure the applicant in this case would acknowledge that is a lengthy process to go through what might just be...what seems like a mere broad pen stroke. There are public hearings at the Planning Commission, public notifications, it is applications, et cetera, so I think our Department is preliminary at the point of saying we would be more than willing to put that application and that template together and do the submittals as the County packet, so it takes the burden off these landowners, but making sure the landowners are amendable to that approach on an individual capacity and working with them individually. It would take a robust series of outreach strategies that we are still formulating internally.

Council Vice Chair Kuali'i: Councilmember DeCosta.

Councilmember DeCosta: Discussion.

Council Vice Chair Kuali'i: Are there further questions? If there are no further questions, while the rules are still suspended, do we have anyone signed up to give testimony? Is there anyone in the audience or on Zoom wishing to testify?

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

Council Vice Chair Kuali'i: Is there any discussion?

Councilmember DeCosta: I am happy and I am glad this process has moved forward. I am glad that the applicant is sitting here and can move forward on his property. I was supportive from the get-go, I will support this even in other areas that sometimes our General Plan does not fit, because housing has so much critical

issues and we have to solve it. I want to address our Planning Director quickly. I am not being facetious a by any means, but when you have a little bit pushback by the people who live on the ocean and they are going to give up their property for something that we are going to give them in the inland area, let us not forget where the tourists like to stay? On the beach and in a hotel. Our locals, if they have a beach home that has been eroded by the ocean is hard for them to say, "I will take a lot inland,"—which might be worth three hundred thousand dollars (\$300,000) versus their lot on the ocean that is worth three million dollars (\$3,000,000). We need to be just a little sensitive when we talk story with our constituents about land swapping. I would have a hard time giving up a beach property for an inland property. Thank you.

Council Vice Chair Kuali'i: Is there further discussion? *Mahalo nui loa* to the Planning Commission and the Planning Department. It is important for me to hear from your folks of what you bring to us. With no further discussion, can we get a roll call vote?

The motion to approve Bill No. 2893 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and resulted in the following vote:

FOR APPROVAL:	Bulosan, Cowden, DeCosta, Evslin, Kuali'i	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Carvalho, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes and two (2) excused.

Council Vice Chair Kuali'i: Clerk, next item, please.

Ms. Fountain-Tanigawa: The next item is an Executive Session and I think the matter was going to be deferred, because two (2) members are not present today.

Council Vice Chair Kuali'i: Okay. Being that the Members are absent, ES-1088 is deferred.

EXECUTIVE SESSION:

ES-1088 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(2), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of the Council, requests an Executive Session to enable Council to consult regarding the evaluation of employees of the Council Services Division of the Office of the County Clerk and to consult with the Council's legal counsel. 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 Cowden moved to defer ES-1088, seconded by Councilmember DeCosta.

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

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

Council Vice Chair Kualii: Is there any discussion? Seeing none, voice vote.

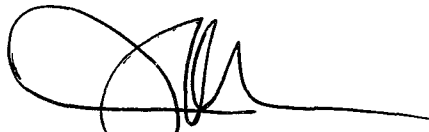
The motion to defer ES-1088 was then put, and carried by a vote of 5:0:2 (*Councilmember Carvalho and Council Chair Rapozo were excused*).

Council Vice Chair Kualii: The motion is carried. That concludes the business on our agenda. Not seeing or hearing any objections, the meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:26 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc