

## COUNCIL MEETING

FEBRUARY 22, 2023

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, Līhu'e, Kaua'i, on Wednesday, February 22, 2023, at 8:31 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 KipuKai Kuali'i  
Honorable Mel Rapozo

### APPROVAL OF AGENDA.

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

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 for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: Clerk, can you read the next item?

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

February 8, 2023 Council Meeting  
February 8, 2023 Public Hearing re: Bill No. 2891, Draft 1

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

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

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 unanimously carried.

Council Chair Rapozo:

Next item, please.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The next item are interviews. For the Charter Review Commission, Jaclyn Kaina for a term ending 12/31/2024.

INTERVIEWS:

CHARTER REVIEW COMMISSION:

- Jaclyn K. Kaina – Term ending 12/31/2024

ELLEN CHING, Boards & Commissions Administrator: Good morning, Ellen Ching, Boards & Commissions Administrator. Today, I am please to introduce Jackie Kaina. Jackie is homegrown, born and raised on Kaua'i and a proud Kamehameha School graduate. Upon graduation, she attended Kapi'olani Community College and graduated from the University of Hawai'i at Mānoa with a Bachelor's in Business Administration degree and majoring in Accounting. She interned at an accounting firm and was assigned to several nonprofit clients. Jackie quickly discovered that accounting was not the field for her and transitioned to managing dental practices. Then, as life would have it, she got married and returned to Kaua'i to raise her children. During the next eleven (11) years, she was a stay-at-home mom and did freelance bookkeeping for small businesses until December 2015 when she was hired as a program manager at a nonprofit organization, Kaua'i Economic Development Board (KEDB). Initially, she managed all the County grants and the production of the Comprehensive Economic Development Strategy (CEDS) plan. Three (3) years later, Jackie was promoted to Director of Programs and Business Development to create and design new initiatives. As a young intern who hated all nonprofit accounting, she has come full circle, as just this past July, Jackie was promoted again, this time as the Executive Director of KEDB. As a mother of five (5), Jackie is active in the community. Three (3) of the five (5) kids paddle, and she enjoys attending canoe regattas to cheer them on. I think the ingenuity of all mothers is how they find time to do all the things they need to—Jackie is no different, yet somehow, she still miraculously finds the time to serve on several nonprofit local boards such as Kawaikini Charter School, Hō'ike, Kaua'i Community Television, Friends of Kaua'i Community College, and more. She has never served on a County board or commission, so I am thankful that Jackie is willing to commit her very precious time to serve on the Charter Commission to lend her knowledge and perspective as a young working mother and professional.

Council Chair Rapozo: Thank you. Jackie, thank you for being here today, and thank you for agreeing to serve. Do you want to share a message with us or explain what got you here?

JACLYN K. KAINA: I am sorry. I am super nervous. This is my first time here. What brought me here?

Council Chair Rapozo:

Yes, as a nominee for this commission.

Ms. Kaina: A really good friend asked if I would serve on the Charter Commission. Because she is a really good friend, I said, "Yes." But other than that, I believe in community and serving. I want to practice what I preach, because I am always telling my kids, "You have to take action if you want to see change, and you want to see this world come better, then you need to do something about it," so I am trying to be an example.

Council Chair Rapozo: Perfect. Are there any questions for Jackie?  
Councilmember Cowden.

Councilmember Cowden: First of all, I want to say, it is always a joy to work with you. I have a lot of confidence in your character and who you are. I just have a couple of questions to ask that are meant to help direct your awareness. How familiar are you with the County Charter?

Ms. Kaina: Honestly, I am not very familiar. I would have a lot of researching and a lot of conversations with more seasoned people.

Councilmember Cowden: Are you familiar or do you understand the role of the Charter?

Ms. Kaina: I have notes, because I am super nervous. I understand, I have read, I know, I have read the rules, I know that it is to study and review the operations of the County. What that means in-depth, I can honestly say, I am really not sure yet.

Councilmember Cowden: What is important in a role like this, certainly, having integrity, having awareness of the community, all of that really matters. The Charter is like the constitution for the County. The Charter is in many ways a sacred document, so what is often important for me to understand when I am looking at someone for the Charter Review Commission, there is no "constitutional review commission" at either the Federal level or the State level, so this is a really big responsibility that people have, so it is not like making an ordinance that can get pulled out and changed. When you make a Charter change, it is very significant. My questions are kind of trying to help myself understand if you understand that being on the Charter Review Commission does not mean...let us just make some changes and fix things, that is kind of our job. We can fix things, but someone else could come in and undo it. I am just wondering if you understand the magnitude of the impacts and why it is really important to be very careful. It is not a bad thing if nothing gets changed during a window of time.

Ms. Kaina: Thank you, Councilmember Cowden for that perspective. I just feel like anything I get involved with is really important. The Charter is extremely important because Kaua'i is where we live, so I will do everything I can to be sure I have the knowledge I need to make good, informed decisions moving forward.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Are there any other questions for Jackie?

Councilmember Carvalho: I just want to make a comment. Can we do that now?

Council Chair Rapozo: Okay, go ahead. Yes, we can do that now.

Councilmember Carvalho: Do not worry, Jackie. You bring a lot to the table, all of that *aloha* you have in you, I know that. Sometimes things look different, but I know once you get into the details of what the responsibilities are, and I know you bring that much to the table, and everything is going to connect. Just keep going, be strong, positive, I know that all of your background and the history you have done, I have known you for a long time, you bring that to the table, and it will be worthwhile. Just wanted to give you that.

Ms. Kaina: Thank you, Councilmember Carvalho.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Jackie, you always impress me. Every time I have worked with you, you are an impressive, educated lady, but I am just a little bit disappointed that you never told me that you were a Kamehameha graduate. My wife is a Kamehameha graduate, we have Kamehameha graduates in this room today. You are a proud, empowered woman and the queen would be proud of who you are and what you have become. I am honored that I got to be your friend and work with you. I need to tell you a little bit and piggyback with Councilmember Cowden, our Charter is a constitution like the United States has. I have never seen anyone try and change our United States Constitution. Just with that being said, I know I can trust you. Thank you for being who you are, and our *kama'āina* girl is going big time once again. Have a nice day, Jackie.

Ms. Kaina: Thank you, Councilmember DeCosta.

Councilmember DeCosta: Of course.

Council Chair Rapozo: Councilmember Kuali'i.

Councilmember Kuali'i: I want to say, *mahalo nui loa* for being willing to step up and serve in this way. I know you are already serving our community in different ways, but that was a good friend who thought of you and asked you to step forward, and you are a good friend for stepping forward. I have one quick question, when Councilmember Cowden talked about the Charter being like a constitution or a sacred document, would you agree then that in principal, the Charter should not be so easily changed, because it is a constitution, people have worked on it in all history, it is guiding document of our County, so would you agree that it should not be so easily changed?

Ms. Kaina: I think not understanding the full constitution yet, and not reading it, I would have to read through it to be honest.

Councilmember Kualii: Yes, okay.

Ms. Kaina: But I would agree that like the Constitution of the United States, it should be looked at extremely carefully, and it should require a whole lot of attention. So, I am so sorry if I did not answer your question correctly.

Councilmember Kualii: No worries. You are perfectly fine. The other thing I would suggest is to look at and follow-up with the Charter Review Commission is along those lines about it being difficult to change. I lived in California for several years and they have propositions that the voters vote on, a “yes” vote is “yes,” a “no” vote is “no,” and a failure to vote or choosing not to vote is also considered a “no,” because you need the affirmative vote to make that change, so that makes it more difficult to change, and when something is really important, and supported by the voters, there will be no problem, it will be overwhelming voted to make that change. An example happened recently, the Prosecutor left, and we had to hold a special election to fill that seat when there was an election coming up within a year or so, and it cost us five hundred thousand dollars (\$500,000). So, the Charter Review Commission and the Council moved forward quickly to make that change, and that was voted on seventy-five percent (75%) to eighty percent (80%). It was very clear. Totally affirmative. Did not matter what the blank votes were. The affirmative to make that change was clear. In California, they count the blank votes as “no” votes, because you need all of that “yes” to make a big change, or an important change to a sacred document. So, I ask the commission to look at that. Thank you.

Ms. Kaina: Thank you.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: Ditto. Everyone.

Council Chair Rapozo: Jackie, thank you. I have known you a long time. There is no doubt in my mind the commitment, and I know the Charter Commission, oftentimes we have nominees come up, and they are not familiar with the function yet, and I look to Ellen to make sure that there is some kind of training program or process, but knowing you, you are going to pick it up real quick. I think Councilmember Kualii brings up a good point, one that I, in fact, will be introducing here for the next election that the blank votes will also be counted as “no” votes. I agree that the Charter is not something like an ordinance that we can keep changing whenever someone feels differently. I want to say thank you and appreciate you showing up today. When Councilmember Kualii asked you the first question and you said you did not know enough and you would have to read through, but your closing comment was adequate, I think, for his question that you believe it needs to be looked at carefully and thoroughly—that is all we can ask of that commission, so thank you very much.

Ms. Kaina: Thank you, Councilmembers.

Council Chair Rapozo: I believe we have public testimony for your nomination, which is rare.

Ms. Fountain-Tanigawa: Laurie Ho.

LAURIE HO: Good morning, everyone. For the record, Laurie Ho, speaking on behalf of myself. I would like to acknowledge Jackie Kaina. Thank you for stepping up. It is an important role, so I am here to also endorse Jackie and ask that you consider her for the Charter Commission. It is an important role, it is a lot of reading, and to remind you that it does go to the public for vote too, afterwards. So, even after they make a recommendation, it still comes to the community to do the affirmative or the negative. Thank you, that is all I have.

Council Chair Rapozo: Thank you so much.

Councilmember Carvalho: Thank you.

Ms. Ho: Thank you.

Council Chair Rapozo: Are there any other testifiers for Ms. Kaina?  
If not, the next nominee.

#### CIVIL SERVICE COMMISSION:

- Aimee Lorenzo – Term ending 12/31/2024

Council Chair Rapozo: You can relax. It is always rough going second, because you just saw what she went through. I saw you looking at the door, so thank you for staying. For the third nominee, please hang tight.

Ms. Ching: Thank you for that, Chair. Actually, this interview process, there are some nominees that we find it a barrier, and so intimidating that it is very rarely, luckily, but sometimes it is an obstacle. Again, good morning, Ellen Ching, Boards & Commissions Administrator. Aimee Lorenzo is also a local gal born and raised on Kaua'i, and is currently the Director of Human Resources (HR) at the Kōloa Landing Resort at Po'ipū. Aimee attended Kaua'i High School and continued her education at Kaua'i Community College Business and Hospitality program earning her Associate's degree in Hospitality and Tourism. As a college student she was also working at The Point in Po'ipū as a Human Resources intern. Little did she know then that this would be the start of her 22-year career in Human Resources. Upon graduation the internship turned into a full-time position as an HR clerk. Just three (3) years later, the regional HR Director appointed Aimee as the HR Coordinator at the Embassy Vacation Resort on Maui in Ka'anapali. Since the Embassy, Aimee has been offered and accepted many positions in the HR field. These included a position with the Grand Hyatt Kaua'i Resort and Spa as the HR Coordinator. Hawai'i Health Systems Corporation, Kaua'i Region that includes both the Kaua'i Veterans and Samuel Mahelona Hospitals as the Personnel Management Specialist, HR Manager at St. Regis, Assistant HR Director at the Westin Maui, and finally the HR Director at the Sheraton Kona Resort. In Kona, Aimee became a mom of Kamakoa, a beautiful baby

boy. She would have probably remained in Kona, but sadly her parents and her sister were stricken with serious health problems, so Aimee returned to Kaua'i as the Assistant Director of People at the Princeville Resort. She credits her many mentors along the way who have helped and nurtured her, like Aunty Carla Thomas at the Hyatt who still texts her every Friday to say, "Have a great day." For giving her the opportunity to grow and learn many facets of HR like Worker's Compensation, benefits, employee relations, recruitment, union contracts, grievances, and labor relations. Her free time is spent visiting her sister, and her now four-year-old son, at the beach and reading mysteries when she can squeeze it in. Aimee claims to be a chicken wing connoisseur, and if you are curious, you might want to ask her recommendation for the best wings on the island. On her bucket list, is going to every Disneyland in the world. Human Resources is a very dynamic field. There are changes in the law and new emerging trends, and of course the biggest challenge of all was the upheaval of COVID-19. Aimee would be new to any commission. With all of the demands on her, I am thrilled she is willing to volunteer and contribute her very professional and technical knowledge to the Civil Service Commission.

Council Chair Rapozo: Aimee, you look really nervous.

AIMEE LORENZO: I am. Good morning.

Council Chair Rapozo: Director of People, is that like HR?

Ms. Lorenzo: It is HR.

Council Chair Rapozo: Is that a Princeville Resort phrase?

Ms. Lorenzo: It is a Princeville Resort thing.

Council Chair Rapozo: I am just trying to get you to loosen up a little bit, because you look really nervous.

Ms. Lorenzo: Ask me about chicken wings?

Council Chair Rapozo: What is the best chicken wing place on the island?

Ms. Lorenzo: Like I told Ellen...

Council Chair Rapozo: Just remember, all the restaurants are watching.

Ms. Lorenzo: Do not judge me, but Taps and Hops Eatery in Kapa'a really has the best wings.

Council Chair Rapozo: Alright. So, are you interested in the Civil Service Commission?

Ms. Lorenzo: This is all new to me, it was not until Ellen reached out and she told me about it. It is pretty much my passion. HR is the only thing I know. It is the only career that I know. I am intrigued. Anything to help out and learn something new, and gives me the ability to meet other people, a new industry. My biggest passion here in being in HR is promoting diversity. I am intrigued.

Council Chair Rapozo: Now you look relaxed. Councilmember Cowden.

Councilmember Cowden: I have things to say that I think would be encouraging with just a little bit of questions in it. When I look at your history with basically a full career in Human Resources, I would have to think, I am asking, have you ever worked with unions? So, you have worked with unions. Have you worked anywhere where there is nonunion staffing as well?

Ms. Lorenzo: Yes. Two (2) of my properties have been nonunion and the rest of the properties were union.

Councilmember Cowden: In the County, we have both. We have appointees and we have, but you are mostly going to be working with the union ones. I want to say, I really appreciate that you have experience on neighbor islands, as well as around this island. So, what I get from that is you are going to have had exposure to a lot of different processes. Would you say that is correct? Are most of these places that you have worked, do they have a similar Human Resources process, or have you been able to do a comparative? You do not need to name which one you think does a better job, but do you see stronger strategies in different areas.

Ms. Lorenzo: They are pretty much similar on all islands. I think just having the talent to be able to read through and understand thoroughly your contract language. Some contracts can be similar. Some contracts can be completely different, so as long as you know and are able to interpret the language, I think you are solid.

Councilmember Cowden: I want to appreciate that you are doing this as a mother of a young child. Where I do not feel guilty about your volunteering for an important position...honestly, this is going to help your career really. You are going to have a whole new way of understanding how things work, so I think it will be a double blessing. It will be a blessing for us to have your twenty-two (22) years, you look younger than that...of experience, you will be able to apply that well for the County of Kaua'i, and I think having experience in the County of Kaua'i is going to help you in the other elements that you do. Thank you very much for your willingness to serve.



Ms. Lorenzo: Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I do not know who I should direct this is, you or Ms. Ching. Where do you find these people? I am impressed with Jackie; I am impressed with this one with Human Resources knowledge. I am impressed. Three (3) things, you got teary-eyed on Kamakoa, your son, wait until you send him off to college, get a bunk, you are going to cry.

Ms. Lorenzo: Do not make me cry.

Councilmember DeCosta: The first college girl he comes home with, you will cry even more.

Ms. Lorenzo: I know.

Councilmember DeCosta: Speaking from experience, because I have three (3) boys that all went to college. Disneyland, I am going to talk non-qualification. Disneyland is my wife's favorite spot, so you got me on the Disneyland. The chicken wings, go to Costco, buy their bag of wings, and deep fry it yourself, and buy yourself three (3) sauces and you can make the best chicken wings at home.

Ms. Lorenzo: What are your favorite sauces?

Councilmember DeCosta: I like the katsu sauce that you can pick up at Safeway. I like the sweet chili sauce, and I like the most expensive ranch dressing. Just those three things and you will top anyone's chicken wings. Last but not least, I noticed you are very fond of Ms. Ching, because I saw you look over at her three (3) times during your speaking. I am also a fan of Ellen Ching. Thank you, Ms. Ching for all you do for our County. Thank you.

Council Chair Rapozo: Is there anyone else? Thank you very much.

Ms. Lorenzo: Pleasure meeting you all.

Council Chair Rapozo: You can grab some wings and relax for the rest of the day. Is there anyone wishing to testify on the nominee? Seeing none. Next nominee, please.

#### BOARD OF WATER SUPPLY:

- Micah R. Finnila – Term ending 12/31/2025

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. Finally, I would like to introduce Micah Finnila. Micah was born and raised in Redondo Beach, California. After high school she attended Cal State Long Beach. Micah put herself through college working full-time in an orthopedic surgeon's office. She found herself running the practice and becoming the office manager at only twenty (20) years old. Not only did she graduate with a Bachelor's in Psychology, but she graduated debt free. This was the start of a 30-year career in Human Resources. Initially as a HR Assistant, HR Generalist, HR Payroll Manager, HR Director, and a Vice President in Human Resources, then love happened. She reconnected with a high school sweetheart. He was on vacation visiting family. They kept in touch and tried a long-distance relationship, but ultimately, Micah followed her heart, moved to Kaua'i in 2010, they married just a year later, and just a year later their beautiful daughter Kenda was born. Professionally, she had garnered her dream job as Vice President of Human Resources at the National History Museum in Los Angeles. But love conquers all and Micah was able to find a position with Syngenta as the Human Resources business partner, which evolved into the Human Resources Business Administration Manager at Hartung. In her free time, Micah enjoys spending time with her family and her church *'ohana* and volunteering at the Calvary Chapel Sunday School. She also likes hanging at the beach, paddle boarding, swimming, muay tai, and savate kickboxing. When I asked her, "How did you get into kickboxing?" Micah responded that she had been a dancer, starting as a child in a dance team. She was even a member of the famous Laker girls cheerleading squad for the Los Angeles Lakers. When Micah left the dance world, she still wanted to pursue an activity with a similar physicality, so she found kickboxing. People do not always realize that the Mayor does not appoint all the Department Heads. There are six (6) Boards and Commissions that hire, supervise, evaluate, and if necessary, terminate department heads and set their salary. It may seem obvious, but a light bulb went off that these Boards and Commissions should have an HR professional serving as a member for that perspective. She has never served on a County Board or Commission. I am so grateful that Micah is willing to lend her perspective, expertise, and technical knowledge to the Board of Water.

Council Chair Rapozo: Thank you, Micah.

MICAH R. FINNILA: Thank you. Good morning. It is a pleasure to be here and meet all of you. I am a little nervous like the rest of the ladies.

Council Chair Rapozo: You were a Laker girl.

Ms. Finnila: It was a long time ago.

Council Chair Rapozo: That is pretty nerve-recking.

Ms. Finnila: That was, yes, and very exciting.

Council Chair Rapozo: I guess, just to start, how and why you are being nominated for the Board of Water Supply?

Ms. Finnila: A dear friend reached out and encouraged me saying that she found I had the skillset necessary for this, and I could be a value to this team. It was not on my radar, she reached out to me, and said, "I really need you to do this, please apply for this," and being a dear friend of mine, I said, "I cannot turn you down." It is a very important topic. I do not know a lot about water. I know about water rights and how important it is, and I know that I can make a difference, so here I am, but I do not have a lot of knowledge with the Board of Water Supply per se.

Council Chair Rapozo: I think your background as it relates to organization and structure is much more important than the knowledge of water, so I appreciate you being here today. Are there any questions for Micah? Councilmember Cowden.

Councilmember Cowden: Thank you for being willing to do this. I want to also acknowledge our Boards & Commissions Administrator Ellen Ching for telling us why HR, because when I looked, I was going, "She should be on the Civil Service Commission." I pay attention to the Board of Water Supply, and I pay attention to the water meetings, and it makes sense to add HR to it. Have you attended a water meeting yet?

Ms. Finnila: No.

Councilmember Cowden: Have you looked at any of the materials on it or do you understand the challenges it is facing?

Ms. Finnila: A little bit of a review so far; it has only been two (2) weeks since this came my way, so not a lot of time that I have been able to spend. I also serve on two (2) other boards, so I have been a little busy.

Councilmember Cowden: And those other boards are the Employee or Advisory Council.

Ms. Finnila: Yes, I was on that board actually serving very close with Jackie Kaina. I was the steering chair for that team.

Councilmember Cowden: Okay.

Ms. Finnila: Also, the Board President for a Homeowners Association (HOA), which is extremely active, and I am very busy with that on top of my job.

Councilmember Cowden: The Board of Water Supply is incredibly important. What I would like to say, if I can, about the Department of Water, we have a new Director, I think he is great. The Deputy person is also great and there are quite a number of strong people on the water board. I think we are fine having a set of fresh eyes. If we did not have such a strong board, I probably would be nervous, because water is critically important, it is like the circulatory system of what makes our county function. There is a lot to look at. It is a huge responsibility, but I think they are right, or you are right, having HR in there, because we really have had a very serious employment challenge in there. We are understaffed. We need to do recruitment. What has been your experience in recruitment? We do not have enough engineers. We had a really hard time holding on to Information Technology (IT) personnel. Have you done recruitment in those fields?

Ms. Finnila: Yes, I do not even know how many individuals I have hired in my career. It is in the hundreds at this point, but right now in these times it is extremely challenging post-COVID-19. It is challenging across all of the islands including the U.S., finding talent, people are still at home, people are trying to figure out if they want to go back to work, so it is challenging everywhere right now to recruit, so you have to be an employer of choice, you have to make sure that your employees are proud of what they do. Our human capital is the most important thing. As an HR professional, I make sure that I work with our leadership—Are we doing the right thing? Are we hearing our people? Do they have the right tools? Are we asking the right questions? Are they feeling valued? And when you get that message out, it helps you with your recruitment effort. You need strong benefits. You need a company that cares about them. It has been challenging in the environment right now, but yes, I do recruitment.

Councilmember Cowden: Thank you for all that you are saying, because I think what is really important for the Department of Water is that we are able to find a way to bring in the people that we need. Even when you have experience with the continental United States it might affect those people, we always want to develop from within. But we need people, so I appreciate that.

Ms. Finnila: Sure. What I have been trying to do too, for Hartung Brothers, and I am not here to represent them, but in my role with them, partnering with all the high schools to build mentorships and internships. I am very blessed that I had former Mayor Bernard P. Carvalho, Jr. as my keynote speaker at one of my programs when I launched this, so really catering to our community and the kids, letting them know “there are jobs for you in your backyard,” so we work with all the high schools to try and do mentoring.

Councilmember Cowden: That is music to my ears, too. Prospecting our universities and colleges in the state, and prospecting those who have gone away to get

them to come back home. We know bringing people home is really important relative to housing people. Thank you.

Ms. Finnila: Thank you.

Council Chair Rapozo: Are there any other questions or comments?  
Councilmember Bulosan.

Councilmember Bulosan: I am going to take a U-turn. Usually I just say, "Ditto," but this time I have a lot of questions, if that is okay.

Ms. Finnila: Yes, that is fine.

Councilmember Bulosan: Only because our Department of Water is semiautonomous, and this is actually our only input to the Department of Water through appointment and this opportunity to talk story with the Board of Water Supply appointees. I have three (3) questions. What are your thoughts on the water challenges we are facing throughout Hawai'i like Red Hill and what happened elsewhere? It is a big question, I am sorry.

Ms. Finnila: It is. I have watched it on the news with what is happening at Red Hill, and I know that specifically on O'ahu and not here, so I have not heard of anything that is impacting our current water system, but if that is going to be part of the role that there are going to be things that are going on, for sure I would be listening to all sides of what is going on, collecting data to make the best decisions possible.

Councilmember Bulosan: Perfect, because you will be the avenue, most likely, aside from the department, for community outreach and connection when things go wrong, unfortunately, that is the process. Second question is, what is your knowledge and awareness of the West Kaua'i Energy Project (WKEP)? That is more energy, but also water.

Ms. Finnila: Are you referring to the one on the westside of the island?

Councilmember Bulosan: Yes.

Ms. Finnila: I am very aware. Actually, I got to watch them do a presentation at St. Theresa School about that when they had their Science, Technology, Religion, Engineering, Art, and Math (STREAM) night the other night, and that was very impressive to see. I do not know a lot of what is going on, but it is very exciting.

Councilmember Bulosan: Right.

Ms. Finnila: I do not have a lot of knowledge on how that came to be.

Councilmember Bulosan: It is a big topic for energy, but it is actually a really big topic for the water diversion that might happen there is huge, and the Department of Water plays a huge role in that.

Ms. Finnila: Okay.

Councilmember Bulosan: Sorry, can I keep going?

Council Chair Rapozo: Keep going.

Councilmember Bulosan: These are big questions. What are your thoughts on housing and farming, as water is the key element of that, too?

Ms. Finnila: Housing is a huge challenge. That is part of the recruitment issue that I have right now when you are trying to find workers here on-island, a lot are leaving the island, they are priced out. So, if we want to bring someone off-island there is nowhere to place them. There is no housing, it is a huge challenge. I would love to see a development occur on the westside where you could have kind of what you have in Kōloa where workers are close to where they are working, but that would also take infrastructure and water. So, water rights is a huge issue right there, too. You would want to make sure that if there was a housing development on the westside that they all have access to water. I know that we use the irrigation ditch system, I am not completely knowledgeable in this, because my role as Human Resources, so I do not know all the intricacies with that, but I know that is not off of the County's water system, it is a different water system. I do not know if I am quoting that correctly, but that is my understanding. Housing is a huge topic...ripple effect, and yes, water is our life source, and I, too, want clean water and access to water.

Councilmember Bulosan: Great. Great to hear. The last question. I understand your seat, because when I ran for office, it was a lot of things to learn really fast, so I can see how overwhelming this might be, and that would probably be the expectation of you, if you get elected in this position. I am wondering, what is your way of learning? How do you take it as a water hose and learn all the things? Because that is basically what will be expected of you, if you get selected for the Board of Water Supply.

Ms. Finnila: I am not afraid to "dive into the deep end of the pool" and you surround yourself with people that have that kind of knowledge, you listen, you ask a lot of questions, you do a lot of reading. I do not make snap judgements.

I do not “shoot from the hip.” I surround myself with people that are experts that can help me navigate. So, a lot of reading, consulting, talking story, networking—that is what I would do, and listen to the people that have been there and maybe reach out to people that have served in the past, they have a lot knowledge. I get myself equipped and prepared that way, so I can make a difference, and I am going in and making a difference. But I do a lot of listening, I do not just jump in.

Councilmember Bulosan:                      Awesome. Thank you so much.

Council Chair Rapozo:                      Councilmember DeCosta.

Councilmember DeCosta:                      Hi. You look nervous and it is okay not to know everything. None of us knew anything when we first became a Councilmember. If it was not for our great staff, we would not succeed, so you are fine where you are at. I like that you have ethics. You mentioned Calvary Church. Anyone with a little bit of religion has ethics, and that is a good way to make sound decisions for the community. Water is a big holding factor for our developments like affordable housing, agricultural housing, I just want you to be very conscientious when you get in there. You need to make our water meters, I am not saying more price-effective, but a little more price-friendly for our new homeowners to be able to extend on their property, build an additional dwelling. We need to be able to work with the Department of Water and make it a little more financially, more conducive for them to fit into their budget, because if you were to price a new meter today, you will price the new water pump, I think the water pump increases the pressure on your meter, because you do not want to put a second meter in for the second dwelling is around ten thousand dollars (\$10,000). I do not know anyone on this table that has ten thousand dollars (\$10,000) sitting in a bank account, so just be conscientious when you folks do that. I just want to tell you, thank you for being a *kamaʻāina* that steps up to the plate to come and work with us. Thank you so much.

Council Chair Rapozo:                      Is there anyone else? Councilmember Kualii.

Councilmember Kualii:                      I, too, want to say *mahalo nui loa* for your willingness to step up and serve. I think the Board of Water Supply is one of our more important commissions. You probably know that the word for water in Hawaiian is *wai*, but did you know that the word for wealth—Hawaiians never had a word for wealth—but what they used was *wai wai*, so they just used the word water twice. The other thing I wanted to say was, do you think that our public, I know I am guilty of it sometimes, because we live in this place, I mean, Waiʻaleʻale, all of our freshwater rivers, we have the rain, do you think that maybe we take water for granted on this island?

Ms. Finnila: From an outsider looking in and being here now thirteen (13) years, coming from California, which was in a massive drought for most of my life, yes.

Councilmember Kuali'i: I liked when you talked about your experience working with the students, and I know that the Department of Water and the Board of Water Supply support, encourage, and do a lot of outreach and education, but the one thing, knowing your skills, I want to suggest that you delve into that area and make sure that we are doing even more. One suggestion that I have is that, like the Solid Waste Division provides plastic barrels for composting, so if you go there and watch a 10- or 15-minute film, they actually provide them for free. If you could provide a water catchment barrel or system for free or low cost, and maybe do a 10- or 15-minute video. I know I myself have been thinking about that for a long time, and I have the composting barrel, and I have even replaced it after ten (10) or fifteen (15) years with the Solid Waste Division. I probably would have already gotten the water catchment if there was some support at the Department of Water, and maybe there is, I do not know, but will you look into it? Thank you.

Councilmember Carvalho: I also want to *mahalo* you for stepping up with your knowledge and background. Of course, like Councilmember Kuali'i, the youth part of it, which really is a big part, so that, to me, is encouraging to see how we can include some part in there for our youth for the future. At the same time, all of your background brings to the table, I know there are a lot of different questions here and there, but I like what was said by all of us, water is so important no matter what. How to preserve, how do we utilize our water, and make it work for all of us, whether a business, community, housing, or whatever it is, and you know that. I appreciate your background and I know that you bring a wealth of knowledge to the table. I know there are still a lot of questions, but at the same time, connect all your resources and more beneficial for everyone. *Mahalo* for stepping to the plate.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: I have a few more, just because Councilmember Bulosan brought some of them to mind for me. This really is a rare moment that we have input with you because the Department of Water is autonomous.

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

Councilmember Cowden: Surface water, some of it goes into drinking water right here in the Līhu'e area, there has been a lot of conflict regarding some of that water sourcing. There is a handful of legal cases on that, that I am sure they will be bringing you to be learning about it, but it is really going to matter how we are able to utilize the water flow for the development, and in fact, these conflicts that have come out with the recent court decision, it will impact our General Plan Update and our



planning methods, so have you had any exposure yet that there has been legal action on our water? Are you aware of that yet?

Ms. Finnila:

I am unaware.

Councilmember Cowden: Okay. That just might be one of the things. I feel confident with you in this position, so these questions are not like, "Do you belong there?" This is just my opportunity to say, "Maybe look at that quickly, because it is really going to be very significant." I was quite pleased with my conversations that I have had with the Deputy Director or the Chief Engineer. Also, compared to a place like San Diego, I am not picking on it, but I learned this from Joe Tate. We are not drinking sewage water, right? That is the case. They clean up their water so well in San Diego, they take ocean and sewage, and some of what comes out of the faucet, but we do have some contamination.

*(Councilmember DeCosta was noted as present.)*

Councilmember Cowden: I imagine that you worked with Syngenta and Hartung, probably sensitive to that the community is sensitive to what ends up in the water stream, correct? In terms of contaminants, pesticides, or problems like that.

Ms. Finnila:

I am not clear on your question with that.

Councilmember Cowden: My question is, I would think that you will be aware and conscious of like...because he brought up Red Hill, right? And our base actually cleaned out their tanks after the Red Hill situation happened. We do have some water contamination issues. As Joe Tate says, "Nothing like what they face in California." So, he kind of smiled in a way, because we have some of the best water, probably on the planet. But our technology is old, so we still have work to do in terms of making sure we have really clean water. Just trying to give you some awareness of what to be looking at—that is my main thing.

Council Chair Rapozo:  
you very much.

Thank you. Is there anyone else? If not, thank

Ms. Finnila:

Thank you for your time.

Council Chair Rapozo:

We have one (1) testifier for you.

Ms. Fountain-Tanigawa:  
followed by Jackie Kaina.

Chair, we have two (2). Edie Neuimiller,

EDIE NEUIMILLER: Good morning, Council Chair and Councilmembers. For the record, my name is Edie Ignacio Neuimiller. When I saw this

agenda item in regards to Micah, I just wanted to let you know, you may know already, that I am retired from the Department of Water, and I was a commission support clerk for the water board for eight and a half (8½) years—I am retired now, but I did want to meet and see who Micah was, and thank you for coming and speaking to your nomination. It is a very important water board, a lot of homework, need to learn fast, as the Councilmembers mentioned. It is really important to go ahead and read the past minutes to see what was happening. I did attend as a visitor to the board meeting last week, and it is very interesting...I am still getting involved with what the agenda items are, but, yes, very important, need to read everything quickly. As a matter of fact, she mentioned teaching or doing some internship with students. They have a “Make a Splash” coming up September 15<sup>th</sup>, they do it every year, and that is another opportunity for the board members to volunteer in some of the booths, so that will be very important for her to get involved in. I am in favor of her nomination. I want to acknowledge Ellen also for recommending some women to the Boards & Commissions, because it is very important to have representation of women in Boards & Commissions. If she is approved, then she would be the second woman on the Board of Water Supply. Thank you very much. Any questions?

Council Chair Rapozo: Thank you.

Councilmember DeCosta: I actually have a discussion.

Council Chair Rapozo: Do you have a question?

Councilmember DeCosta: I have discussion.

Council Chair Rapozo: We will do the discussion afterwards. There is another person that wants to testify.

Ms. Fountain-Tanigawa: Jackie Kaina.

Ms. Kaina: *Aloha* Councilmembers. When I saw that Micah was on the agenda, I thought, “I have to support her.” I had the privilege of working with her for two (2) years with the Academy of Kaua‘i and the work we do with the students at the three (3) high schools, and she graciously accepted to be the chair; she had no idea how much work it was going to be, but she stepped up to the plate. Everything she said about herself, in terms of, she is not going to “shoot from the hip,” she is going to pay careful attention—that is all one hundred percent (100%) true. Not only is she the “cream of the crop”—we would be extremely blessed to have her serve or elected to the board—she is just a good person, and she really cares about people, community, everyone, so I am here today, and I wanted to take the opportunity to support her, endorse her, and I pray she is going to be the one that is going to be selected. Thank you.

Council Chair Rapozo: Do you have a question?

Councilmember Cowden: Yes, I have a clarifying question.

Ms. Kaina: Sure.

Councilmember Cowden: I forgot to ask Micah, but can you tell me a little bit about what you folks do at the high schools, because I am curious, is that a science program there?

Ms. Kaina: No. The work that KEDB does with the three (3) high schools, is we serve as their work base learning intermediary.

Councilmember Cowden: What does that mean?

Ms. Kaina: We connect the schools with industry via all types of different work base opportunities, so internships, externships, job shadowing, and career fairs. One big event Micah and I and the rest of our team put on was in 2019, we did an islandwide freshman career fair. We had all students, all freshmen from three (3) high schools at the same time attending the career fair, so over seven hundred fifty (750) participants at the Hyatt. If you can only imagine the kind of logistical nightmare it really was, but at the end of the day, the students had a great time. We had fifty-two (52) industry partners there, Aimee was there, too, with Kōloa Landing. It was a really good experience for the students, and also for industry to actually interact with the students, so that is the work we did with Micah.

Councilmember Cowden: Okay, thank you so much.

Ms. Kaina: Thank you.

Council Chair Rapozo: Thank you. Is there anyone in the audience wishing to testify? Seeing none. Councilmember DeCosta. Are you sure? Councilmember Bulosan.

Councilmember Bulosan: Just overall, I think if there was one point for the community to look at for huge influence on how our government works, Boards & Commissions is the number one place to start to make an impact. If you want to skip an election and just get “grilled” by us, I think this is the fastest way to have a huge impact in the community, and I really appreciate everyone who throws their names into this space, and spends the time volunteering your time, because this is unpaid work. “Hats off” to the Boards & Commissions Administrator and the team that makes all this possible, because without this representation our government would not work the way it works now.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I would like to follow up on that. I hope the people do not feel “grilled.” When I ask questions, it is really out of respect. It is respect for both the Boards & Commissions that you are going into. Really, all of these commitments are very significant, it is not a small ask, so it is important for me to know that you know. The Planning Commission is probably the hardest, but the Board of Water Supply, any of these are really important, and I like to make sure that we are putting people in the right place, so it is not an ordeal for them. I thank the people who have recommended you. It is so very important, what you do. It is out of full respect that I ask questions about where you are at. I honor and thank you.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I want to ditto Councilmember Cowden, and just add, for everyone watching and not watching, I strongly encourage you to consider serving on a board, especially all of our underserved, under-represented people, native Hawaiians, women, this is the opportunity to have a clear impact on how a lot of what gets decided on from Boards & Commissions, when we talk about water, civil service—I served on the Ethics Board. Whenever a position opens, please consider serving, especially with your expertise and knowledge, I think this is the biggest opportunity for the community to make an impact on how everything functions in government, so just want to echo that one more time.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I have a little twist in my constructive information response compared to my Council colleague Councilmember Bulosan. I actually believe we are in an empowered women’s world, and we do not need to add any more women to different positions to make women empowered. You folks rock. I am getting “chicken skin,” because we are surrounded by empowered women in this room. My wife is an empowered lady. Thank you to Kamehameha Schools and the great Ellen Ching—where do you find these empowered women from our local quality of choices? Thank you, ladies. I am honored to be your Councilmember.

Council Chair Rapozo: Is there anyone else? Councilmember Kualī‘i.

Councilmember Kualī‘i: I want to once again say *mahalo nui loa* to each and every one of you, the three (3) of you, for stepping forward. I want to especially thank Ellen for finding you, or bringing you forward. I have noticed, Ellen, lately, that you have been really actively recruiting and finding us great people, a lot them coming forward to serve for the first time, so keep doing that. What I am most excited about, when I hear the three (3) of you this morning, is I think about how, forever, this Council has not had enough women on it, so I look at your three (3) futures, and I hope maybe

to be supporting you for Council one day, and other women like you. Yes, you say, “No,” but give it time. You have a lot of time. Thank you.

Councilmember Carvalho: What else can we say? The strong women in this room here. Again, thank you for stepping up. To Edie back there, with the Committee on the Status of Women, she is all over with our women. My wife Regina is part of the Status of Women as well, so it is really nice to see women stepping up to the plate. There is support all over. Just continue coming forward. We are here. *Mahalo* for your stepping to the plate. *Aloha*.

Council Chair Rapozo: Thank you. With that, I just want to say thank you, Ellen, this is three (3) for three (3) of first-time commission nominees. The last time we were here, those nominees had not served either. I do not know how you are doing it. If I watched this today, I would say, “No, I am not going in front of that Council.” In addition to that, I say that, because that is the reality, and I will explain why we do what we do. The other thing is, the commissioners have to do a disclosure form. They need to open up their life to the public, which is a deterrent to many people—it is a horrible thing to some, so it is tough to find new people. I do not know what you are doing, I do not know if you are paying them somehow off the record, I do not know—that was a joke. But the reason why we as a body ask the questions and share our ideas and concerns, and I appreciate that, is because this is the only time we will have that opportunity as a body to share our concerns and insights about what we believe should be discussed at these commission meetings, especially water. I think Councilmember DeCosta talked about the meter rates, and it is high, and you will find out soon enough that you folks have a lot more repairs to do than money to do it, you will figure out real quick. This is more for Aimee and Micah, Civil Service Commission and Board of Water Supply, you folks are going to experience a major culture shock, because you are coming from the private sector. This is a weird animal. Government is strange—the way we do things, and this is not just Kaua‘i it is across the country. It is a different environment, and you folks will witness that firsthand. I went reverse, I was government all my life, then I went private, I was like, “Wow, it is a huge difference.” I appreciate you folks volunteering. Looking forward to having you on these commissions. It appears that all the nominees will get appointed. Thank you. At this point, we have a certificate, so I am going to recess the Council Meeting. We have a Certificate for the Kapa‘a High School Lady Warriors, who won the Division II State Championship in Basketball. As we round them up into the Chambers, we will take a short recess. Councilmember Carvalho will be reading and presenting the Certificate.

There being no objections, the meeting recessed at 9:30 a.m.

The meeting reconvened at 10:23 a.m., and proceeded as follows:

Council Chair Rapozo: Thank you for your patience, everyone. Next item, please.

CONSENT CALENDAR:

C 2023-38 Communication (12/19/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee John C. Calma to the Police Commission – Term ending 12/31/2025.

C 2023-39 Communication (01/06/2023) from Aaron D. Larrimore, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kauaʻi from October 1, 2022 through December 31, 2022.

C 2023-40 Communication (01/23/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jaclyn K. Kaina to the Charter Review Commission – Term ending 12/31/2024.

C 2023-41 Communication (01/24/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Chantal Zarbaugh to the Board of Ethics – Term ending 12/31/2024.

C 2023-42 Communication (02/06/2023) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 10, 2022.

C 2023-43 Communication (02/08/2023) from the Director of Finance, transmitting for Council information, the General Fund Excess (Deficiency) of Revenues over (under) Expenditures and Other Financing Sources for the Fiscal Year ending June 30, 2022, in accordance to Resolution No. 2022-36, relating to the Reserve Fund and Reserve Fund Policy of the County of Kauaʻi.

C 2023-44 Communication (02/22/2023) from Councilmember Bulosan, transmitting for Council consideration, a Resolution Pledging Support For Native Hawaiian Women And Girls.

Councilmember Kualīʻi moved to receive C 2023-38, C 2023-39, C 2023-40, C 2023-41, C 2023-42, C 2023-43, and C 2023-44 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 2023-38, C 2023-39, C 2023-40, C 2023-41, C 2023-42, C 2023-43, and C 2023-44 for the record was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

COMMUNICATIONS:

C 2023-45 Communication (01/20/2023) from the Fire Chief, requesting Council approval to apply for, accept, and expend United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG), to fund the purchase of one (1) new pumper apparatus for Kalāheo Fire Station in the amount of \$854,100.00 (\$94,900.00 County Match), sixty (60) Automatic External Defibrillator (AED) units in the amount of \$220,500.00 (\$24,500.00 County Match), and thirty (30) portable radio (PAK) units in the amount of \$227,587.00 (\$30,843.00 County Match).

Councilmember Kualifi moved to approve C 2023-45, seconded by Councilmember Cowden.

Council Chair Rapozo: Chief, thank you for getting to that microphone. If you can give us an overview of the request, we would appreciate that.

There being no objections, the rules were suspended.

MICHAEL GIBSON, Fire Chief: Good morning, Chair and Council. Mike Gibson, for the record. This grant is this year's opportunity through the Assistance to Firefighters Grant (AFG) through the Federal Emergency Management Agency (FEMA) to apply for a million dollar (\$1,000,000) cap, so our first ask is for a replacement fire engine. If not granted, this is going to be the fire engine that you are going to see soon on the request for Fiscal Year 2024. As you have known in the past, we have three (3) fire engines in need of replacement. Engines 5, 6, and 8: Kaiākea, Hanapēpē, and Kalāheo, two (2) of which you have already funded, and this third one would either be grant-funded, if not, it can go on the Fiscal Year 2024 budget. If we are not approved for the fire engine, our next two (2) requests on the grant would be for the sixty (60) replacement Automatic External Defibrillators (AEDs), they cost about four thousand dollars (\$4,000) each. If not granted through this grant request, they are going to be budgeted on Fiscal Year 2024, we would be asking for twenty-eight (28) of them on next year's budget. Then, the following year, thirty (30) to replace completely for Fire and Ocean Safety. The reason for the need of the change with the AEDs is that we currently use the Phillips RF3 model. Last year, the manufacturer stopped making this brand. They are going to stop making the replacement parts where the batteries et cetera are going to be unavailable, so we need to move to another product. The last item would be the thirty (30) portable Motorola radio units. We currently replace about eight percent (8%) of our inventory every year, which is about one hundred twenty thousand dollars (\$120,000) annually. This would take care of three (3) years all at once, so it would open up the moneys for other items, or it would be a cost-savings for two (2) years, but also, you will see this on our Fiscal Year 2024 budget, if we are not able to receive it via the grant.

Council Chair Rapozo: If this grant is approved, would be able to supply all three (3) requests, or is it tiered, if we do not get one (1), we want to...

Mr. Gibson: Correct. Up to one million dollars (\$1,000,000). Either the fire engine by itself, or items number two (2) and three (3) combined, or just one (1), two (2), or three (3).

Council Chair Rapozo: I got it.

Councilmember Cowden: Okay.

Council Chair Rapozo: Are you asking for the authority to...okay, got it. Are there any other questions for the Chief? Thank you, Chief.

Mr. Gibson: Thank you, Chair and Council. Have a good day.

Council Chair Rapozo: You too. 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: Are there any further comments or discussion?

The motion to approve C 2023-45 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2023-46 Communication (01/25/2023) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax, to clarify the annual deadline to file for a mixed-use exemption, which will align with other exemption deadlines for the Real Property Assessment office.

Councilmember Kualii moved to receive C 2023-46 for the record, seconded by Councilmember Carvalho.

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 2023-46 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2023-47 Communication (02/03/2023) from the Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or



Grounds, including but not limited to: Kapa‘a Elementary School, King Kaumuali‘i Elementary School, Elsie H. Wilcox Elementary School, Chiefess Kamakahelei Middle School, Kaua‘i High School, Kapa‘a High School, and Waimea High School, for recruitment testing/examination purposes in calendar years 2023 and 2024.

Councilmember Kualii moved to approve C 2023-47, seconded by Councilmember Carvalho.

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 C 2023-47 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

#### COMMITTEE REPORTS:

#### PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

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

“PWVS 2023-01 – Communication (02/01/2023) from the County Engineer, requesting agenda time to provide an update on landfill status and long-term disposal options for the Kekaha Landfill, and the progress of Kaua‘i’s municipal solid waste,”

Councilmember Kualii moved for approval of the report, 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 for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

#### FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-03) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

"Bill No. 2891, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*),"

Councilmember Kualii moved for approval of the report, 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 for approval of the report was then put, and unanimously carried.  
Council Chair Rapozo: Motion carried. Next item, please.

### RESOLUTIONS:

Resolution No. 2023-22 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*John C. Calma*)

Councilmember Kualii moved for adoption of Resolution No. 2023-22, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any further discussion? Is there any 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. 2023-22 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item, please.

Resolution No. 2023-23 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jaclyn K. Kaina*)

Councilmember Kualii moved for adoption of Resolution No. 2023-23, seconded by Councilmember Carvalho.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I am not sure if this is...this seems a little different to me. Normally, when we interview someone, we approve them in the next week. Jaclyn, who I am absolutely going to approve, we interviewed her today. The other two (2) that we interviewed today, we are not approving them now. I am just curious why this is different.

Council Chair Rapozo: It was a clerical issue. This typically would not show up on the same day as the communication, but it did, for whatever reason it did. If we wanted to defer this until the next Council Meeting, we can do that, which I totally would support. It is perfectly fine.

Councilmember Cowden: I feel like we should be consistent, because if anyone does have something to say, where they are not comfortable, it does not seem fair to me that we would say, "yes" to one (1) and not the others.

Council Chair Rapozo: I agree.

Councilmember Cowden: I would like to move to defer.

Council Chair Rapozo: Before you make the motion to defer, is there any public testimony? If not, thank you. Is there any discussion before we entertain the motion to defer, because there is no discussion after the motion to defer? If not, go ahead.

Councilmember Cowden: I need to give the date, right? Which date would it be, two (2) weeks from today, or one (1) week?

Councilmember Kualii: "Defer" is automatic.

Councilmember Cowden moved to defer Resolution No. 2023-23, seconded by Councilmember Bulosan, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Resolution No. 2023-24 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Chantal Zarbaugh*)

Councilmember Kualii moved for adoption of Resolution No. 2023-24, seconded by Councilmember Carvalho.

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. 2023-24 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item, please.

Resolution No. 2023-25 – RESOLUTION PLEDGING SUPPORT FOR NATIVE HAWAIIAN WOMEN AND GIRLS

Councilmember Kualii moved to receive Resolution No. 2023-25 for the record, seconded by Councilmember Carvalho.

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

Councilmember Kualii: I am doing the motion to receive on behalf of Councilmember Bulosan, who is introducing this Resolution, and he just needs a little more time to work it.

Council Chair Rapozo: The Resolution will show up in two (2) weeks. Councilmember Bulosan asked if we could just receive it and reintroduce at the full Council with the corrections, as opposed to amending it on the floor.

The motion to receive Resolution No. 2023-25 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2895) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed-Use Exemption*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2895) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 22, 2023, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Carvalho.

Council Chair Rapozo: Thank you. With that, Department of Finance, the rules are suspended.

Councilmember Kualii: I have an amendment, Chair.

Council Chair Rapozo: For the next one, right?

Councilmember Kualii: No. Move to amend as circulated.

Council Chair Rapozo: Hang on. Let me call the meeting back to order because I suspended it.

Councilmember Kualii moved to amend Proposed Draft Bill (No. 2895), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Carvalho.

Councilmember Kualii: This is basically a housekeeping amendment by request by the Department of Finance. Basically, it deletes a typographical error, and removes the wording in Subsection 5A-11.1(a) in Section 2, which involves a different Subsection, so it is a correction. The Department of Finance is here to explain or answer any questions.

The motion to amend Proposed Draft Bill (No. 2895), as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Council Chair Rapozo: With that, you can share with us, the purpose of the Bill.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: Reiko Matsuyama, Department of Finance. Back in 2019, we passed this Mixed-Use Exemption. It creates an exemption for those that do, let us say, Commercial and Residential on the same parcel. It creates a hundred thousand dollar (\$100,000) exemption or one hundred fifty thousand dollar (\$150,000) exemption depending on whether you do market rent, or long-term affordable rent. It set up an annual deadline requirement, because we need to know on annual basis if the residential units are kept Residential. It did not set up a deadline for whatever reason that was inadvertently missed when we set up the exemption back in 2019. So, what we are coming to you folks today, as we are getting more applications in, we need to establish a deadline, so we wanted to make it the same as our September 30 deadline across the board for all of our annual exemptions.

Council Chair Rapozo: I have a question. I was not here when this exemption was put in, but as I read this exemption, I understand, we are offering an exemption for market rents.

Ms. Matsuyama: Yes. It is either, it could be market rents or affordable rents.

Council Chair Rapozo: Okay, I can see the affordable, because that is where we want to go. I am curious to know why, and maybe some of my colleagues that were here can help me understand, why would we be giving an exemption for market rent if we are trying to encourage affordable rentals? Why are people that can charge basically whatever they want to get the benefit of an exemption?

Ms. Matsuyama: I think the intent was just to encourage any Residential not just affordable. With it being highest and best use, it would be Commercial, so the whole thing would be taxed at Commercial, there really is no incentive for an establishment to put Residential on the top and make it Mixed-Use, and because we were promoting Mixed-Use at the time, we wanted to have some kind of tax relief for people that would choose to put Residential on their property.

Council Chair Rapozo: Okay. Councilmember Cowden.

Councilmember Cowden: I was going to answer your question.

Council Chair Rapozo: Okay. Are there any further questions? Go ahead because I would love to hear your answer.

Councilmember Cowden: I remember when this came out. When we are looking at...a lot of it was these Lihu'e streets here, and different things like that, it is really hard to even hold on to a property, and if you put two (2) Commercial pieces in there, you could rent to two (2) businesses at the same time, and you would make more money. Trying to be able to...when we talk about living where you work, you can rent to someone that is next to there, and the affordable rentals, that price, while still a lot for people to pay, it is not very much for people to earn. So, it can be a two thousand dollar (\$2,000) rental and that is the market rate rental, but that is an appropriate thing, so we are trying to make sure that we could actually have mixed-use working, otherwise, if you make it any kind of property that has a mortgage on it, when you have that low-income rate, the math does not work out, so the goal was, how do we have housing in there? My memory is we had a pretty robust discussion...

Council Chair Rapozo: Let me just check myself, because the agenda item is not about that part of the bill, it is part of the amendment. I know we are planning to have a workshop, and we can have that discussion then.

Councilmember Cowden: Yes.

Council Chair Rapozo: Thank you for that. That, I can see.

Councilmember Cowden: Okay. Can I ask her now?

Council Chair Rapozo: Yes, please.

Councilmember Cowden: "The exemption shall be valid for one (1) tax year, and it shall be the responsibility of the owner to annually file an application for a residential unit in a mixed-use building pursuant to Subsection (a) on or before

September 30<sup>th</sup>, immediately preceding the tax year.” Basically, you are trying to make this rule be like every other rule, even though you know I do not like the September 30<sup>th</sup> date, but you are trying to make it consistent with everything else. This is almost a housekeeping. Would you say it is housekeeping?

Ms. Matsuyama: Yes, we just want to establish a deadline. No one knows when, they know they have to file annually, but there is no deadline right now.

Councilmember Cowden: Right. Building on my answer I gave to the Chair, if someone bought a Mixed-Use Commercial/Residential rate, rather than Commercial rate and they rented it, one-year, two-year, then they shift it, you folks would not notice if they did not turn in those leases.

Ms. Matsuyama: Correct.

Councilmember Cowden: So, you are just trying to keep the portion that is not honest, honest, or maybe people might forget that they are getting a benefit. I am okay with this. We talked about this robustly, Chair, and I thought we had good reasons for why we did what we did.

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

Ms. Matsuyama: 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 further discussion? Seeing none. Roll call.

Ms. Fountain-Tanigawa: Did you amend?

Council Chair Rapozo: We did the amendment. Sorry, I guess the motion is...

Ms. Fountain-Tanigawa: To approve as amended.

The motion for passage of Proposed Draft Bill (No. 2895) as amended on first reading, that is be ordered to print, that a public hearing thereon be scheduled for March 22, 2023, and that it thereafter be referred to the Finance & Economic Development Committee, was then put, and carried by the following vote:

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

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

Council Chair Rapozo: Next item, please.

BILL FOR SECOND READING:

Bill No. 2891, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*)

Councilmember Kuali'i moved to approve Bill No. 2891, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Councilmember Kuali'i: Chair, I have an amendment.

Councilmember Kuali'i moved to amend Bill No. 2891, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Carvalho.

Councilmember Kuali'i: This is basically housekeeping, as well, at the Department of Finance's request. Instead of having the application deadline be sixty (60) days from the effective date of the ordinance, they are asking for a date of April 21, 2023.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a question for Councilmember Kuali'i.

Council Chair Rapozo: Are there any questions for the Department of Finance? I think it is self-explanatory, it is just putting a date instead of the...

Councilmember Cowden: It is a very simple question, so I feel bad making you walk up.

Council Chair Rapozo: This is for the public, too.

Councilmember Cowden: Normally, we would not put a "hard" date, we would say sixty (60) days. The reason there is a "hard" date in this is because this is



basically a one-time “band-aid” that is not...I should not use the word “band-aid,” a one-time tax relief program for people who have fallen into the wrong tax category for whoever’s fault, most probably the person did not fill out their paperwork right, so we are giving them until middle of spring, April 21, 2023. So, if you are listening, pay attention, look and see if you need help. They need to apply for this tax credit. For the sake of people listening, if they are paying too high, can you, just for them, so I do not say it wrong, explain how the tax credit works?

There being no objections, the rules were suspended.

Ms. Matsuyama: Okay. Reiko Matsuyama, Department of Finance. This tax credit is for tax year 2022 and 2023, and it is for people who fell into the Residential Investor tax classification that by intent of Residential Investor did not belong in Residential Investor. Meaning they actually did live in their house and they just missed filing a Home Exemption, or they do long-term rent their property and they just did not file the necessary paperwork by the September 30 deadline. So, either September 30, 2021, or September 30, 2022. In any of those situations, they could be eligible for this credit, and the credit would take them probably from Residential Investor down to Residential. If you were living on your property, you still need to come in to apply for the Home Exemption to get Homestead for future years.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Thank you. Are there any further questions?  
Is there any public testimony?

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 further discussion on the amendment? Seeing none.

The motion to amend Bill No. 2891, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and resulted in the following vote:

FOR AMENDMENT:	Bulosan, Carvalho, Cowden, DeCosta,	
	Kuali‘i, Rapozo	TOTAL – 6,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

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

Council Chair Rapozo: Okay, we are back to the main motion as amended, is there any further discussion on the main motion?

Councilmember Cowden: Yes. I am very appreciative of this bill to help some of the people who have gotten caught in that change from Residential Investor, which has an ambiguous name. I hope that we actually do some changes coming up on that—it is ambiguous, but that is intended to mean a home that is empty most of the time. I just think that it is evident that it does not fix all those problems of many people who have fallen into this category by surprise that are coping with heavy taxes. So, this is going to handle a percentage of them, and I do not want to do anything to stop helping this percentage just because we have not perfectly fixed the rest of the challenge. I support this, but want that caveat that we have not totally addressed the problem.

Council Chair Rapozo: Understood. Is there any further discussion? If not, the motion is to approve as amended. Roll call.

The motion to approve Bill No. 2891, Draft 1 as amended to Bill No. 2891, Draft 2 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, Kuali'i, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

#### EXECUTIVE SESSION:

ES-1089 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1090 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by

DB Insurance Co. Ltd. C/O John Mullen & Co. and related matters. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kualii moved to convene in Executive Session for ES-1089 and ES-1090, 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-1089 and ES-1090 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.


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

Council Chair Rapozo: My apologies. In five (5) minutes, we will meet in the Executive Session room. Thank you.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:48 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

(February 22, 2023)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2895), A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Mixed-Use Exemption*)

Introduced by: KIPUKAI KUALI'I, Council Vice Chair (By Request)

1. Amend Proposed Draft Bill (No. 2895), SECTION 2, introductory wording only, as follows:

“SECTION 2. Chapter 5A, Section 5A-11.32 (Exemption for Residential Units in a Mixed Use Building), [Subsection 5A-11.1(a),] Kaua'i County Code 1987, as amended, is amended to read as follows:”

(Material to be deleted is bracketed, new material to be added is underscored.)

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(February 22, 2023)

FLOOR AMENDMENT

Bill No. 2891, DRAFT 1, A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tax Credit Residential Investor*)

Introduced by: KIPUKAI KUALI'I, Council Vice Chair (By Request)

1. Amend Bill No. 2891, Draft 1, SECTION 1 as follows:

“SECTION 1. Findings and Purpose. The Council finds that many Residential Investor property owners could have qualified for a lower property tax rate, but did not file the proper forms. The Residential Investor tax class is intended to help incentivize property owners to long-term rent their property. Taxing occupied homes at the higher Residential Investor tax class is counter to the purpose of the tax class and could result in the sale of occupied housing or an increase in rents to pay for the additional tax burden.

The Council finds that some relief should be granted for those homes that were either long-term rented or owner-occupied as of September 30 of the prior year, but failed to file the proper forms.

The purpose of this Ordinance is as follows:

- Provides for any newly classified Residential Investor property owner to apply for a tax credit limited to the 2022 tax year and 2023 tax year, by meeting the requirements provided by Sec. 5A-11.4 (with various exceptions as stated in this Ordinance) or by providing an executed copy of a rental agreement running through October 1 of the prior year, and an “Annual Long-Term Lease Application Verification for the Reclassification of Residential Investor Properties” (with various exceptions as stated in this Ordinance). Should the Director of Finance determine that a property was eligible for another tax rate classification for the 2022 tax year, 2023 tax year, or both (if applicable), a tax credit of the difference between the amount paid under the Residential Investor tax classification for the prior year and the amount the owner would have paid under the Residential tax class for the prior year shall be applied to the owner’s tax year bill for the following tax year (with restrictions as stated in this Ordinance), and all penalties and interest for delinquent payment of the tax differential portion shall be waived.
- Support current long-term rentals by providing a tax credit, while reminding owners of the process to submit the proper documentation to change tax classifications.

Applicants shall have until April 21, 2023 [sixty (60) days from the effective date of this Ordinance] to apply for this tax credit.”

2. Amend Bill No. 2891, Draft 1, SECTION 3, in part, by amending Chapter 5A, Section 5A-3.2(e)(4) to read as follows:

“(4) Property owners shall have until April 21, 2023 [sixty (60) days from the effective date of Ordinance No. \*\*\*] to apply for a tax differential for the 2022 tax year, 2023 tax year, or both (if applicable).”

(Material to be deleted is bracketed, new material to be added is underscored.)  
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