

COUNCIL MEETING

JUNE 14, 2023

The Council Meeting of the Council of the County of Kauaʻi was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhuʻe, Kauaʻi, on Wednesday, June 14, 2023, at 8:35 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr. (*Excused at 10:01 a.m.*)
Honorable Felicia Cowden
Honorable Ross Kagawa
Honorable KipuKai Kualīʻi
Honorable Mel Rapozo

Excused: Honorable Addison Bulosan
 Honorable Bill DeCosta

APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any discussion?

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 Bulosan and Councilmember DeCosta were excused*).

MINUTES of the following meetings of the Council:

May 24, 2023 Public Hearing re: C 2023-118
May 31, 2023 Public Hearing re: Bill No. 2898

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

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 carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

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

INTERVIEWS:

BOARD OF REVIEW:

- Graham Odenheimer – Term ending 12/31/2025

ELLEN CHING, Boards & Commissions Administrator: Ellen Ching, Boards & Commissions Administrator. I am happy to introduce Graham Odenheimer. Mr. Odenheimer was born and raised in Alaska. Upon graduation from Service High School in 1994, Graham decided he needed a change of environment and moved to Kaua'i. He jumped into the working world and straight into the real estate appraisal industry working for his dad's friend in Kapa'a. For the next ten (10) years as a trainee, Graham worked on getting his own real estate appraisal license. He worked full-time with Lew Crouch and the Chow family of RealTech Appraisal's, which had offices statewide in Kapa'a, Hilo, Kahalui, Kaimuki, and in Waikiki. In 2005, now a State licensed appraiser with ten (10) years' experience, Graham set up on his own and started his current company, Pacific Rim Appraisal Group Kaua'i in Kapa'a Town. Although focused on Kaua'i, Graham has traveled extensively between the neighboring islands, visiting every little town, appraising homes, condominiums, and vacant lands. His public and private client-base now extends around the globe. Along the way, he met and married his wife, Kazue Takenaka. They have two (2) beautiful daughters, Seetahna Remi and Mariana Mira, ages 8 and 14, both born in Lihu'e, currently attend Kapa'a Elementary School and Kapa'a High School, in the second and ninth grade. Since becoming a father, Graham has limited his inter-island business to being closer to home. With what limited free time he has; it is spent at the beach with his family and he can always be counted on for his barbeque skills at a potluck or picnic. He has a brown belt in Judo, enjoys fishing, hunting, gardening, and playing basketball as well. Although Graham has worked throughout the islands, when asked where he would like to go next, he immediately responded, "Anywhere in this State, what is not to love about Hawai'i?" He still has the same enthusiasm and love for Hawai'i as when he arrived almost thirty (30) years ago. The volunteer Board of Review hears real property tax appeals. They are only five (5) very technical grounds as a basis for appeal, additionally the County's findings are deemed prima facie correct, in other words the person filing the appeal has the burden to prove their case. For the past three (3) years, the Board has reviewed an average of two hundred twenty-seven (227) appeals per year. Just two (2) weeks ago, they had an agenda listing of one hundred seven (107).

Professionally, Graham is well-known and is well-respected by his colleagues, so much so that his name was frequently mentioned to fill the vacancy for the Board of Review. Although he is only forty-seven (47) years old, he has over twenty-five (25) years of real estate appraisal experience on the island. Graham is uniquely suited for the Board and his talents will be greatly appreciated. I am so thankful that he is willing

to volunteer his extremely valuable time and his professional expertise to this difficult and hard-working Board.

Council Chair Rapozo: Welcome and thank you for agreeing to serve. Can you give a little overview? I know she gave quite a biography.

GRAHAM ODENHEIMER: Thank you for that. I almost cried. I did not write that, that was beautiful.

Council Chair Rapozo: Did you write that for her?

Mr. Odenheimer: No, I did not, but I am going to have to get a copy of that.

Council Chair Rapozo: What is the motivation to serve? You have been in this industry for a while. I am curious as to your thoughts on our current process for appeals. I know that is a difficult question, but is it fair? I have heard a lot of horror stories about the appeal process, but in your experience, I am sure you probably participated in some of them as an appraiser.

Mr. Odenheimer: Right.

Council Chair Rapozo: What are your thoughts?

Mr. Odenheimer: My experience so far with the tax appeal process is usually I get hired as an independent appraiser to provide proof or evidence of the property's value for a homeowner. I do not actually go into the tax board and be an advocate for the homeowner. I just provided them with a report that would help support their appeal. I am not involved in the tax appeal process per se. I help to provide support for the person appealing.

Council Chair Rapozo: I am assuming that if you did an appraisal on a property that is being appealed, you would have to recuse yourself from the appeal process.

Mr. Odenheimer: Yes. If I had already done a report or had been involved in the property at some point, I would have to step back, acknowledge, and disclose that I know these people or I know this property already.

Council Chair Rapozo: Thank you. Any further questions?
Councilmember Cowden.

Councilmember Cowden: Thank you so much for being willing to serve. I do go occasionally to the Board of Review and it is a workout. Hey, I see your daughters are here.

Mr. Odenheimer: Yes, those are my two (2) daughters, my supporters.

Councilmember Cowden: I am really glad to see you here. Are you familiar with the Computer Aided Mass Analysis (CAMA) system at the County?

Mr. Odenheimer: A little bit. I know that the process has changed a couple of times over the past twenty (20) years. They have gone to a current market value type of system, but I know they still do mass appraisal.

Councilmember Cowden: Yes, so that mass appraisal...because we just have a small group of appraisers and we have something like thirty-seven thousand (37,000) or thirty-nine thousand (39,000) properties to appraise, so it has this mass appraisal. When you have a solid understanding of Kaua'i, you are going to notice that if it is based on a neighborhood code...so some neighborhoods have a big range variation of properties, and others have similar if they are in a subdivision. When you are appraising an area where you have, let us just say 'Aliomanu, a little fishing house next to a multi-million-dollar house, that would be an example of the type of challenges. For us who sets the policy...we are going to be talking about property taxes this morning, it is tough to get tax rates that do not push people out of their homes. I wondered if you were aware of this mass analysis or if you have any experience with looking at how a mass analysis works, or excuse me, mass appraisals.

Mr. Odenheimer: I do not have any experience with mass appraisal. I do appraisals based on an individual property and I usually go inside of that property, I do a full inspection of that property. The mass appraisal process, I am not highly familiar with.

Councilmember Cowden: That might be good, because when you see an outcome of a mass appraisal, your mind might think about is that, is that a good reflection of what is there? When you do appraisals, do you do all property tax categories like Commercial, Residential, Agricultural, and Industrial, or do you focus more on one (1) aspect in appraising?

Mr. Odenheimer: I focus primarily on single-family homes, multi-family homes, vacant lands, condominiums, Hawaiian Homelands, leasehold properties, and I also do appraisal reviews. When there is another appraisal submitted on a property, I get hired to do the review on appraisals. A lot of my appraisals are for lending purposes. It is collateral management basically.

Councilmember Cowden: I appreciate your willingness and I think it is an excellent choice, from Boards & Commissions Administrator Ching. I am happy to have you onboard and I am really thankful for your twenty-five (25) years here, because that is going to give you a lot of comparatives and you are going to know that one small community is really quite different than another. I also value that you have experience on the other islands, so thank you very much.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Graham, for stepping up and thank you, Ellen, for finding him. You are a great candidate, with all of your experience.

Thank you for having your beautiful kids here. I am very close friends with Lincoln Takenaka from Kapa'a High School.

Mr. Odenheimer: I promised them that I would take them to Tip Top afterwards, so that is why they are here.

Councilmember Kagawa: That is a great way to have any kid here. Thank you for your willingness to serve and I hope you can help with the one hundred something reviews the Board has and help our County out, too, getting those done and done fairly.

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

Councilmember Carvalho: I appreciate you coming to the table and wanting to serve. Just know that there are a lot of things happening in this area of discussion, so I know that with your background and understanding how far you came with your experience, we are going to move forward. I see your children here with you as well, so I appreciate you stepping to the plate and I look forward to more discussions as we move forward. *Mahalo.*

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

POLICE COMMISSION:

- Howard Leslie – Term ending 12/31/2025

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. I am pleased to introduce Howard Leslie. Howard grew up in northern California and earned a Bachelor of Science in Criminal Justice with a minor in English from California State University, Sacramento.

In 1987, he started a lifelong career as an officer in the Los Angeles Police Department (LAPD). He started in Patrol, eventually being assigned to gang enforcement units, narcotics units, and the undercover vice unit in the Hollywood Division. His final assignment as an officer was to the LAPD Special Weapons and Tactics (SWAT) for six (6) years. Howard was promoted from Officer to Sergeant, then Lieutenant, Captain, and finally Commander.

While on the job, Howard attended California State University, Long Beach and obtained a graduate degree in Public Administration. Howard served as a Commander in several capacities, as a Commander of the Training Bureau and a Commander of Operations in the Central Bureau, responsible for all operations within Central LA, assigned approximately one thousand eight hundred (1,800) sworn officers.

In his last post as the Commander of the Special Operations Bureau, Howard oversaw three (3) divisions and was intricately involved in all administrative functions, including the review of all budgets. These divisions were responsible for major crowd

control situations, canine units, equestrian teams, the security of all municipal government buildings, SWAT, and air support, which has the largest municipal police fleet in the nation. As Commander, he was ultimately responsible for public safety at many major events such as the National Basketball Association (NBA) Allstar game, the World Series, and several large demonstrations.

Along the way, he met and married Arlene Kiyomi Nakata, a local gal with roots in Pearl City and Waianae. Every year, they returned to Hawai'i at least once or twice a year. Thanksgiving in Waianae at grandma and grandpa's place with the *ʻohana* has been an annual tradition. During these visits, they also traveled with family to Kaua'i for about seven (7) to eight (8) years. They always planned on moving back to Hawai'i, and ultimately decided on Kaua'i. Kaua'i reminded Arlene of Waianae and of her childhood. Worried about this rising cost of housing, they bought a home in 2017. When Howard retired in 2020, that was the opportunity they were waiting for and promptly moved, lock, stock, and barrel to Kaua'i.

Since moving, Howard likes to get "wet" every day, swimming, spearfishing, surfing, or paddling with his canoe club. He likes to keep busy, so initially Howard was a weekly volunteer at Project Vision, the mobile hygiene program providing hot showers to houseless communities across the island. Since then, he has branched out with the Retired Seniors Volunteer Program (RSVP) where he delivers food to the North Shore or South Shore *kūpuna* residents and the Kauai Lifeguard Association assisting with the Ocean Safety Courses for *keiki*.

Now that things have opened, they are looking forward to traveling again with a trip to Japan. Howard's favorite meal is his wife's chicken katsu. If Howard seems familiar, he was one of the three (3) quarterbacks that successfully worked with this Council on the 2022 Salary Resolution. His fellow Salary Commissioners thought he did such a good job, they voted to make him Chair.

With all of Howard's professional and technical experience, I am grateful for his willingness to contribute his knowledge, and leadership skills to the Kaua'i Police Department (KPD).

Council Chair Rapozo: Thank you, and thank you for your service.

Mr. Leslie: Thank you very much. Ellen makes things sound much better.

Council Chair Rapozo: I know, I am going to have her write mine. Do you have any thoughts or motivation why you are choosing to serve on the Commission?

Mr. Leslie: I have always believed that if you love where you live, you cannot just take, you have to give, and one (1) way to give at this point in my life is volunteering. That is what I believe in and what I am trying to do.

Council Chair Rapozo: Are there any questions? Councilmember Kagawa.

Councilmember Kagawa: I would like to thank you for stepping up to serve. A lot of times in the past, a lot of Police Commissioners appointees, we think they might be a better fit somewhere else, but for you with your experience in LA, which is huge, a lot more crime there than Kaua'i. I am just so happy that you are willing to serve and maybe can help our men that may have issues. The Police Commission is one area in the County where the mayor cannot step in, if he has to, because it is restrictive. This former mayor knows. The mayor will look to the commission to help them smooth things out and resolve problems that may occur and I think we have some that has been brought up with some changes that are being proposed, so I am super happy that you are stepping up.

Mr. Leslie: Thank you for those kind words and thoughts. I have been blessed enough to travel throughout the United States (U.S.) teaching, as well as receiving information concerning police officers, and have met officers from around the world. I can tell you this, officers are officers, no matter where they are from, how busy their place is, they all have the same issues, problems, and concerns.

Councilmember Kagawa: I was just talking to some of my former students from Kapa'a High School that just graduated from civil engineering, and the other day I was at the golf course and he was telling me that he wanted to be a police officer. The father said, "I paid for his college, but he wants to be an officer," and I was just so happy because you hear it all the time, "I want my kid to be a fireman," and it is never a policeman. It is hard to find people wanting to be police officers. When I heard that, I was hoping we can approve the top, like our commission, so that our young folks coming up, they will have a good experience. I know you are going to do a good job. *Mahalo.*

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: I am honored to be the Public Safety & Human Services Committee Chair, so I take that responsibility very seriously. I was really blessed to take the Citizens Police Academy, I learned a lot, I wish I took that in high school. I go to as many Police Commission meetings as I can, I think I missed two (2) or three (3) in four and half (4½) years, so I am committed. I really appreciate this choice, Ellen and Howard, because LAPD, I would like to think...this is going to be a gentle and loving place in comparison, not putting down LA, but I am sure it is more intense than here. When you were SWAT in LA, my mind, without experience says, you have been able to experience some of the roughest of situations and when you had a full career there, I think it is going to give you a lot of capacity to understand what the police are facing. We have an excellent team here, so I think you will really like working with them. I am happy to have that balance. Right now, I would say we are heavier on people without direct police experience, we have more community experience at the table. We have a strong chair, top cop in the Airforce who is very, very capable. Having someone with direct police experience is great and you are fresh eyes, because you do not have an integrated relationship with our entire team, so I think you will be able to look with fresh eyes and make good judgments, because there is tension that naturally occurs in any organization. I am proud and excited to have you involved and I am someone who pays a lot of attention to our displaced people and those who are struggling, so I give you big props for being on Project Vision. You are reaching deep.

When people volunteer, sometimes they do a nicer, more pleasant thing, helping with plants or something. You are going to the point of crisis, when you are there helping people who do not even have a place to wash themselves down. I know that it is not easy for people to come to those showers because of the sense of pride, at least that is something I have experienced. I am really happy to have you, I am thankful that we have some of our excellent team in the room here. I know you are probably here for another issue, too, but great folks in the back of the room here. I like police officers and my son is one. Thank you.

Council Chair Rapozo:

Thank you. Councilmember Carvalho.

Councilmember Carvalho: *Mahalo* and thank you for stepping to the Police Commission and what I heard from you, the serving part and volunteering, especially with the *kūpuna* program, that is a big other part, but with our Police Commission...very important and supporting our officers as well. Your background understanding, and passion for volunteering is a big part. Later, I want to talk to you about your wife's chicken katsu. For now, it is all about you and serving and I appreciate what you are doing and where you come from.

Mr. Leslie: Thank you both for those kind words. In preparation for today, I recognized...I went through some of the meetings and minutes, and you do attend a lot. I know from our visits to the island; we have run across you several times and we have always appreciated your presence.

Council Chair Rapozo: Is there anyone else? If not, thank you for your service. LAPD SWAT, I was blessed twenty (20) years ago, LAPD did an abbreviated SWAT training for KPD and I was selected and spent two (2) weeks, night and day with officers, Percival and Ayala, I am not sure if you remember them.

Mr. Leslie:

Absolutely, yes.

Council Chair Rapozo:

I know we lost one of them, unfortunately.

Mr. Leslie:

Yes.

(Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: But the one thing that stood out was their commitment and dedication. We had a blast with them. What they taught us in two (2) weeks, which included a lot of scenarios, we watched a lot of videos of what they do. It is just different—the dedication and commitment though, was what stuck out. The other thing that really stuck out was in LAPD, and this was decades ago, but the availability of mental health services to the officers. LAPD, at the time, had police psychologist or psychiatrist on staff that officers could go to without having to go to make an appointment or having to go let anyone know. We have three (3) of our finest in the back, and cops do not want to do that, and what they do every day, I do not care if you are in LA or on Kaua'i, the danger and threats are the same. What they see every day affects them and I know this. I hope at some point we will have that opportunity to provide that for our officers that there is no fear of having your badge and gun taken

away because you are going through a rough time because of something you saw or witnessed or did. I think every Police Commission should have a law enforcement person on, because you need that expertise because as Councilmember Kagawa said, everyone wants to be a fireman. No disrespect to the firemen, but your house could burn to the ground and the owners of the homes are going to thank the firemen for trying. Officers just get the bad reputation twenty-four-seven (24/7), and it gets worse as time goes on. You know this from being in L.A. How do we turn that around, how do we provide an environment to our officers to enjoy coming to work, being dedicated, and committed, and start having our kids want to be cops again? I did not want to be a cop, to be honest, I wanted to be a fireman, but I could not pass the test. I took the police test and I passed. I still think it is the best profession on the planet and hopefully with your experience being brought to the commission, we can provide an environment or help provide a better environment for our officers, both sworn and civilian. Thank you so much for agreeing to serve.

Mr. Leslie: Thank you for the kind words. I could not agree with you more concerning the behavioral science section and the importance they play with the officers.

Council Chair Rapozo: Thank you. With that, can we have the next item, please?

CONSENT CALENDAR:

C 2023-136 Communication (05/23/2023) from the Director of Finance, transmitting for Council information, Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 2023, pursuant to Section 21 of Ordinance No. B-2022-886, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2022-2023.

Councilmember Kualii moved to receive C 2023-136 for the record, 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 receive C 2023-136 for the record was then put, and carried by a vote of 5*:0:2 (**Pursuant to Rule No. 5(b) of the Rules of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Bulosan and Councilmember DeCosta were excused*).

Council Chair Rapozo: Motion carried. Can you read C 2023-19, please?

COMMUNICATIONS:

C 2023-137 Communication (05/15/2023) from the Chief of Police and Acting Assistant Chief Paul N. Applegate, requesting approval to accept and expend recurring Federal funds, in the amount of \$61,572.00, from the Fiscal Year 2021 Edward J. Byrne Memorial Justice Assistance Grant (JAG), to be used for the purpose of drug-related investigations.

Councilmember Kualii moved to approve C 2023-137, seconded by Councilmember Cowden.

Council Chair Rapozo: Thank you, gentlemen. You picked the right day to come.

There being no objections, the rules were suspended.

CHRISTIAN D. JENKINS, Lieutenant, Office of Professional Standards & Criminal Intelligence Unit: Good morning.

ANTHONY J.K. MORITA, Lieutenant, Research & Development Section: Good morning, Council Chair Rapozo, Vice Council Chair Kualii, and distinguished Members of the Kaua'i County Council. First, thank you so much for your continued support for our men and women of KPD and for the support that you provide to our community, we very much appreciate all of you. I know you have a tough job and we really thank you. For the record, I am Acting Captain Anthony Morita, KPD, Investigative Services Bureau. Thank you for placing us on the agenda today to request permission to accept this recurring drug enforcement related and federally funded Justice Assistance Grant. This will aid our Vice Section in their efforts in curbing drug-related crimes occurring throughout our island, including dangerous drugs such as fentanyl. We look forward to answering any questions that you may have and I will defer all questions to Vice Lieutenant Christian Jenkins.

Council Chair Rapozo: Thank you. Are there any questions? Is this a recurring grant?

Mr. Jenkins: Correct, this is a recurring grant.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: It basically helps to support a job position, is that how it is spent or is it more on the equipment and for assessing what drugs are being used?

Mr. Jenkins: For the record, Lieutenant Christian Jenkins, Vice, Narcotics Commander and Criminal Intelligence Unit Commander. This grant is used for all of the above. We can use this grant for equipment, for training, for our Vice officers, for overtime expenditures, for per diem, for travel, or for anything regarding fentanyl, methamphetamine (meth), heroin, and hard narcotics.

Councilmember Cowden: It has been that meth has been the dominate drug, is that continuing? I know fentanyl is the more dangerous one, but are we seeing any shift in what is used the most?

Mr. Jenkins: We are starting to see somewhat of a shift when it comes to illicit narcotics. Methamphetamine is still number one, but fentanyl is making some headway, we are seeing a lot more fentanyl on the streets and we are ceasing more fentanyl than we have in the past.

Councilmember Cowden: Thank you for the good work that you folks have done. You have had some significant captures of it. How about heroine? Are we still seeing as much heroine? It seems like fentanyl got its position because of heroine seeming to recede and I talk to addicts and asked them, "Why would you use this other drug," and usually they did not know that was in there, but they had a hard time getting oxycodone. Do we still have as much of the opioids and heroine?

Mr. Jenkins: We do have heroine...heroine is starting to see a small uptick as well, not as much as fentanyl and meth, but we are starting to see an uptick in heroine as well.

Councilmember Cowden: Since you have this moment to talk to the public, is there anything important that you feel like the public at-large needs to hear from you, what might be helpful for them to make wise choices or whatever way that they can help?

Mr. Jenkins: The first thing they can do is not ingest any of these illicit narcotics, but I know it is easier said than done. I really have to strongly caution people in regards to all illicit narcotics, because we are finding fentanyl in everything. We are finding fentanyl in cocaine, meth, sprinkled in marijuana, and fentanyl is an extremely dangerous narcotic and it is extremely deadly. If someone is involved in fentanyl, I suggest they reach out and get some type of help, because it is extremely deadly.

Councilmember Cowden: Our crimestoppers.com is a good way for reporting something if they are concerned.

Mr. Jenkins: Definitely. If the public has any information, anyone selling, dealing, anything, you can reach out to Crime Stoppers and we will definitely follow-up to any tips that we receive.

Councilmember Cowden: Thank you all for your hard work.

Council Chair Rapozo: Are there any further questions for KPD? If not, thank you.

Mr. Jenkins: Thank you very much.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Mr. Hart.

BRUCE HART: For the record, Bruce Hart. I want to state how much I support KPD in general. What was said earlier about what these officers faced, the men and women that work in the Investigative Services Bureau, what we think of them as Vice—they deal with some of the worst that goes on in our community. I just want them to know that I pray for them and that I am in full support of what they do and how much I appreciate that they are needed. Too many of the public see the police as some kind of threat. They are not a threat; they are here to help us. I would like to encourage the public that you can go to a police officer and tell them things that you might not be able to tell someone else, things you might know going on in your neighborhood, your community, and your school. That is the proper thing to do. Do not try to take on the situation yourself, take it to the police. Thank you.

Council Chair Rapozo: Is there anyone else?

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

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2023-137 was then put, and carried by a vote of 5*:0:2 (**Pursuant to Rule No. 5(b) of the Rules of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Bulosan and Councilmember DeCosta were excused*).

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

C 2023-138 Communication (05/25/2023) from the Housing Director, requesting Council approval of the Gap Indemnity Agreement between the County of Kaua'i and Old Republic Title and Escrow of Hawai'i, relating to title insurance provided for Lima Ola Multi-Family Development and Lima Ola Senior Housing Development properties situated at Tax Map Key (TMK) Nos. (4) 2-1-001-054 (Lot #45) and (4) 2-1-001-054 (Lot #2).

Councilmember Kualii moved to approve C 2023-138, seconded by Councilmember Cowden.

Council Chair Rapozo: With that, the rules are suspended. Adam.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director: Good morning, Chair and Members of the Council, Adam Roversi, Housing Director, for the record. This first item has to do with Lot #2, title insurance on Lots #2 and #45 at our Lima Ola Affordable Housing Subdivision, which are both currently under development for a forty-unit senior housing project, and a forty-five-unit workforce housing project, respectively. We had the groundbreaking out there about a week and a half ago, which some of you were able to attend. As part of the financing package and the bonds and mortgages that have to go onto these properties to finance the construction, we request title insurance. The

title company issues insurance when they do their title report and then there is a couple of weeks between the title report and the closing. This gap refers to the period of time between the issuance of the insurance policy and the actual closing of the loan documents, and we are simply agreeing that if something pops up on title in that very short window of time, we indemnify the title company, who is providing title insurance on the property. We do not except anything to pop up. It is County-owned property and if any encumbrances did arise on the property, I think we would be able to take care of it. This is a procedural title insurance step.

Council Chair Rapozo: This is just the formality we have to get through.

Mr. Roversi: Yes.

Council Chair Rapozo: Are there any questions? If there are no questions, thank you, Adam. Is there anyone in the audience wishing to testify?

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

Council Chair Rapozo: Councilmember Cowden.

(Councilmember Kagawa was noted as present.)

Councilmember Cowden: Thank you for explaining gap indemnity. I assumed it was something like that, but I still was not clear on...we had to do it for the three (3) weeks in between, so thank you.

Council Chair Rapozo: If there is no further discussion, the motion is to approve.

The motion to approve C 2023-138 was then put, and carried by a vote of 5:0:2 *(Councilmember Bulosan and Councilmember DeCosta were excused).*

Council Chair Rapozo: Next item, please.

C 2023-139 Communication (05/25/2023) from the Housing Director, requesting Council approval to receive and expend Fiscal Year (FY) 2023 Congressional Directed Spending funds, in the amount of \$7,772,000.00, to be used for the construction of infrastructure in Lima Ola Phase II, which entails the installation of roads, water lines, sewer service, storm water drainage, and communication infrastructure for the development of 172 affordable homes with Phase II of the County's 75-acre Lima Ola Subdivision.

Councilmember Kualii moved to approve C 2023-139, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion? Is there any public testimony? Are there any questions for Adam?

Councilmember Cowden: Will this pay for all of this in full or do we need to get another source of money? When we are talking about roads, water lines, sewer service, storm water drainage, and communication infrastructure, will that complete that?

There being no objections, the rules were suspended.

Mr. Roversi: Adam Roversi, Housing Director. I believe this first item relates to the five million dollars (\$5,000,000) specifically for water infrastructure.

Councilmember Cowden: Are we not on C 2023-139?

Council Chair Rapozo: No. She had a question on the last item.

Councilmember Cowden: Will that cover everything?

Mr. Roversi: No. Our request to the senators was for about twelve million dollars (\$12,000,000)...

Councilmember Cowden: Yes, it seems low to me.

Mr. Roversi: ...for all of Phase II infrastructure and we did not get the full amount of our ask. They gave us approximately seven million dollars (\$7,000,000), so that will cover the bulk of what we need to do, but not all of it, so we will be reliant on the Housing Development Fund to fill a gap.

Councilmember Cowden: And we have that Housing Development Fund, so it is not like we will do the sewer, water lines, and roads, but not the rest...we are still going to be on target for getting it all done.

Mr. Roversi: Correct.

Councilmember Cowden: Okay.

Council Chair Rapozo: Thank you. The motion...you recorded the motion and the vote? The motion was to approve.

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

The motion to approve C 2023-139 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

C 2023-140 Communication (05/25/2023) from the Housing Director, requesting Council approval to receive and expend Fiscal Year (FY) 2023 Congressional Directed Spending funds, in the amount of \$5,000,000.00, to be used to serve domestic water and fireflow needs of the residents and businesses located in the neighboring towns of Hanapēpē, ‘Ele‘ele, and Port Allen.

Councilmember Kualii moved to approve C 2023-140, seconded by Councilmember Cowden.

Councilmember Cowden: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I have this high focus on fire flow water. Where is this going to help with the fire flow, because I think mostly Hanapēpē Valley is a lack of water infrastructure for fire flow, do I have that accurate?

There being no objections, the rules were suspended.

Mr. Roversi: Adam Roversi, Housing Director. I do not know the specific details of fire flow issues in the area. I can say that the requirement that we install this tank was imposed by the Department of Water is a condition of building Phase II of our subdivision, but it will also serve to improve the water systems for the entire area. It will improve the fire flow for the entire 'Ele'ele community as well as Hanapēpē, because I believe the two (2) systems are connected. For reference, the map that is up on the screen shows where the new tank will be installed. That is the highway heading down the hill...north if you are coming down to the left, you are driving down the hill towards Port Allen, there are two (2) existing water tank locations along the side of the highway and we will be building a second tank, as shown in this inset, in the upper right, a half-million-gallon tank, next to one of the existing tanks, as well as improving the well pumps that provide water to those tanks; to the new tank, as well as the existing tank. This will improve the water capacity and pressure for the entire community, not just for Lima Ola, but for all Hanapēpē and 'Ele'ele.

Councilmember Cowden: Okay, thank you.

Council Chair Rapozo: Are there any further questions for Adam? If not, thank you, Adam. Is there anyone in the audience wishing to testify?

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?

The motion to approve C 2023-140 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

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

C 2023-141 Communication (05/30/2023) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend Federal Transit Administration (FTA) Section 5311 formula grant appropriation funds in the amount of \$1,088,066.00, to be used to fund the fifty percent (50%) portion of allowable expenses such as bus driver wages, hourly pay, and fringe benefit line items.

Councilmember Carvalho moved to approve C 2023-141, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion?

Councilmember Cowden: I have a simple question. Is this in an addition to what put on the budget for this coming year or was this already anticipated in the budget? Does this add money to the account for the Transportation Agency or does it not affect the budget?

There being no objections, the rules were suspended.

CELIA M. MAHIKOA, Executive on Transportation: Celia Mahikoa, Executive on Transportation. If you look at our budget most recently in the current year and the upcoming year, you see where fifty percent (50%) of the on-call drivers is funded through this source, so this is our ongoing formula provisions from FTA.

Councilmember Cowden: Alright.

Ms. Mahikoa: And then if there are other expenses such as additional increases in field costs and things like that, we can utilize these funds for those as well.

Councilmember Cowden: This is basically planned already.

Ms. Mahikoa: Right.

Councilmember Cowden: That was my simple question.

Council Chair Rapozo: Are there any further questions for Celia? If not, thank you.

Ms. Mahikoa: Thank you.

Council Chair Rapozo: Is there anyone in the public wishing to testify? Seeing none. Is there any discussion?

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

(Councilmember Kualii was noted as present.)

Councilmember Kagawa: I just wanted to encourage continued searching for these types of federal opportunities. In the budget process, I was dismayed with how much of our General Excise (G.E.) tax was going to the bus and its operations. It was originally sold to this Council that the G.E. tax increase would be to fix every road and bridge in the County. When we are using...no mention made of how much we are going to subsidize transportation, and again, when you sell something, you should follow through on what you are selling, because that is why the people support you or do not

support you, in half percent taxing everything that you buy in the stores. Only to find out ten (10) years down the line that...we did not fix every road and bridge, because we used a lot of it for things at the Transportation Agency. In the end, ten (10) years from that time that we passed time will tell whether we fix...like Lyle Tabata said, "every road and every bridge," and again, using it for other things that are not even mentioned, for me, that is not very good accountability, because you should have said it at the beginning if that was going to be the outcome. Thank you.

Council Chair Rapozo: Is there any further discussion?

Councilmember Cowden: I want to echo the gratitude the Transportation Agency does work on a lot of grants and we were very blessed to have, for a couple of years, the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding taking care in its entirety. There has definitely been some effort at filling in that gap.

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2023-141 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

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

C 2023-142 Communication (05/30/2023) from the Director of Finance, requesting Council approval of the indemnification provision and the unspecified future obligations contained in the Legal Terms and Conditions from System Innovators E-Commerce Online Payment Portal to accept online payment applications.

Councilmember Kualii moved to approve C 2023-142, seconded by Councilmember Cowden.

Council Chair Rapozo: Do you have a question for the Department of Finance?

Councilmember Cowden: I do.

There being no objections, the rules were suspended.

REIKO MATSUYAMA, Director of Finance: Good morning.

Councilmember Cowden: I have a simple question about our E-Commerce Online Payment Portal—what is the percentage that we pay when people make that payment?

Ms. Matsuyama: I think it is two-point two five percent (2.25%), but this is a new one, so this is going to be a new platform where we could accept online payments. It is the same software that we use for cashiering, so it will help us integrate, so we do not have to do multiple processes to input receipts. We are going to try and make this one way cheaper if you pay via e-check or Automated Clearing House (ACH),

but we are still going to pass on credit card fees, but we are definitely going to make a better option to pay electronically that will be less costly for residents.

Councilmember Cowden: So, it will be less costly for the constituents and it will be easier for the Department of Finance.

Ms. Matsuyama: Yes.

Councilmember Cowden: Those are two (2) good things. I am a little cheap when I am paying my things...I am going to write a check before I get the online charge.

Ms. Matsuyama: Yes.

Councilmember Cowden: Do you still have to do the check guarantee fee, or you do not?

Ms. Matsuyama: No, we would not.

Councilmember Cowden: You do not do that one. I used to do that when I had business. What percentage comes through e-commerce online payments or whatever vector, but online? What percentage of our payments are online versus check or cash?

Ms. Matsuyama: I do not know offhand how much we pay.

Councilmember Cowden: Half-half? Ten percent (10%)?

Ms. Matsuyama: No. I would think significantly less than half. Right now, the only options we have are still quite expensive to be honest with you. While people avoid credit card, the one-time ACH will still cost you under five dollars (\$5), but it is still a flat fee, so this flat fee will be cheaper.

Councilmember Cowden: You are having a flat fee, not a percentage? That is why I asked for the percentage.

Ms. Matsuyama: For credit cards and debit cards, it is a percentage, but e-checks or ACH, if it is pulling directly from your bank account, is a flat fee.

Councilmember Cowden: Thank you. Two percent (2%) on four hundred dollars (\$400) is a decent amount.

Ms. Matsuyama: Yes.

Councilmember Cowden: Okay. That was my question.

Council Chair Rapozo: Thank you. Are there any other questions? If not, thank you, Reiko. Is there anyone in the audience wishing to testify? Seeing none. Is there any further discussion?

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

Council Chair Rapozo: I will just say for the car registration, I do it online because the time it takes to drive in and even if you go to the kiosk, you still need to pay the processing fee, so I do it from the comfort of my own home. It is a small price to pay and I do not need to wait, Reiko, at the Department of Motor Vehicles (DMV). It comes really quick. I am really surprised at how quickly it comes in the mail. Once you press send, it is about a week and you get it in the mail.

Councilmember Cowden: I just have a comment on your comment.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: A part of the reason I go in is I pay directly on all my things just to experience what it is. I might have just timed it well, but it was not difficult the last couple of times I have registered my car.

Council Chair Rapozo: I have experienced it.

Councilmember Cowden: I just wanted to say something nice, though.

Council Chair Rapozo: Maybe I just chose the wrong time. Reiko assures me that it is going to be fixed. Ms. Parker, did you want to say something? Okay, I will suspend the rules.

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

ALICE PARKER: Good morning. Alice Parker. I apologize for being late. I did want to address this automated payment thing. Please allow for analogue for people like me. I touch computer things and they die. It has to be manual. I have to be there and what is his name's mother over there would feel the same way. What is his name? DeCosta.

Council Chair Rapozo: He is not here today. I am almost thankful. I will call the meeting back to order.

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

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

The motion to approve C 2023-142 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

Council Chair Rapozo: Next item, please.

C 2023-143 Communication (05/31/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$189,271.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 20-V2-03 (Victim/Witness program) for the period October 1, 2023 through June 30, 2024.

Councilmember Kualii moved to approve C 2023-143, seconded by Councilmember Carvalho.

Council Chair Rapozo: With that, I will suspend the rules.

There being no objections, the rules were suspended.

Council Chair Rapozo: I just wanted to say thank you for providing the application in a manner that I can actually understand. Thank you so much for that. Does anybody have any questions or do you want to do a quick explanation?

REBECCA LIKE, Prosecuting Attorney: Good morning, everyone. Rebecca Like, Prosecuting Attorney. This is a nine-month award from the Victims of Crime Act (VOCA) and it funds salaries for three (3) positions in our office as well as two (2) Young Women's Christian Association (YWCA) programs. It is thirty thousand dollars (\$30,000) for each and a small amount for cell phones.

Council Chair Rapozo: Are there any questions?

Councilmember Cowden: Is this for cell phones for the people, the victims?

Ms. Like: No. That is just one thousand dollars (\$1,000) of the money. Attached to the documents you were provided it should outline each of the...

Councilmember Cowden: Thank you. It is probably a lot of work to follow up on all your accounting because you have so many grants that you pull in and piece together. I appreciate the effort.

Ms. Like: We are fortunate to have a wonderful team who tracks all that and keeps me on top of things.

Councilmember Cowden: Do you do billable hours or do you work it out and do a third, third, third or whatever way it works out? When I look at these, I think it is a lot to figure out what each piece is paying for. I see how you are doing it. Nine (9) months' salary. That works.

Ms. Like: This is a nine-month award. That is why it is broken down that way in the itemized budget that is attached.

Councilmember Cowden: That is unusual, right? Is that just how they always do it, nine (9) months at a time?

Ms. Like: I am not certain. I think that some are quarterly, some are three-month supplemental budgets. This is for the remaining nine-month award.

Councilmember Cowden: Okay. Thank you.

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

Councilmember Cowden: Thank you for what you do.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. For anyone that has been a victim of crime and they have to go through the process, the Victim Witness program is essential. It allows you to have someone who can support and explain to you what is happening and facilitate communication between you and the deputy assigned to your case. I have always been in support. My first experience was under Prosecuting Attorney DeCosta and Marla Torres-Lam, who is still with the Office of the Prosecuting Attorney (OPA), was my Victim Witness Counselor. I might mention too that the deputy assigned to that case was Jennifer Winn. I found the Victim Witness Program, again, to be essential. I also want to mention something else, something I said about KPD officers, experiencing some of the worse of what happens in our community, we need to be in support of the Prosecuting Attorney, the deputies, and the staff—they also have to go through this experience and it affects them also. So, let us be in support. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? Is there any further discussion?

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

Council Chair Rapozo: Working in the Office of Prosecuting Attorney for many years, the Victim Witness crew is second to none, like I spoke of the LAPD SWAT officers, the commitment and dedication is very evident in that office, so, thank you.

The motion to approve C 2023-143 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

Council Chair Rapozo: If there is no objection, I am going to take C 2023-145 next, so the Prosecuting Attorney can get back to work?

There being no objections, C 2023-145 was taken out of order.

C 2023-145 Communication (06/02/2023) from the Prosecuting Attorney, requesting Council approval to receive and expend funds, in the amount of \$55,000.00, for contract DHS-20-OYS-037, Supplement 2, and to indemnify the State of Hawai'i, Office of Youth Services, to continue the Kaua'i Teen Court program, which is subcontracted to Hale 'Ōpio Kaua'i, for a tentative time period of July 1, 2023 to June 30, 2025.

Councilmember Kualii moved to approve C 2023-145, seconded by Councilmember Cowden.

There being no objections, the rules were suspended.

Ms. Like: Rebecca Like, Prosecuting Attorney. Good morning, again. This is for another round of funds from the State Office of Youth Services in the amount of twenty-seven thousand five hundred dollars (\$27,500) for Fiscal Year 2024, and the same amount for Fiscal Year 2025, this is an increase of two thousand five hundred dollars (\$2,500) per year. These funds are earmarked for the Kaua'i Teen Court Program that we subcontract out with Hale 'Ōpio Kaua'i.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Teen Court took a break during COVID, correct?

Ms. Like: The Teen Court program was still happening, but not actually in court, so Hale 'Ōpio offered services to children-referred or to youth-referred to that program, but it was not the traditional Teen Court model. We just returned to in-person Teen Court.

Councilmember Cowden: How many kids do you typically serve in a year?

Ms. Like: I do not have that number. It may vary year-to-year, Hale 'Ōpio would be the one who keeps track of that information.

Councilmember Cowden: Okay, I will send an inquiry over, because it is an excellent program.

Ms. Like: It is, absolutely.

Councilmember Cowden: I know that you seem to have youth drug use on the rise and to the best of my knowledge, it is usually...most of the kids are in there for drugs or shoplifting; what are they in there for?

Ms. Like: There are a variety of offenses for which they can go to Teen Court, and we try to put as many youths into diversion programs as we can to avoid having them have to come to court. Even for some children who have been through the program before, that does not mean they cannot go through the program again. We try to be as expansive as we can.

Councilmember Cowden: Okay, so if I asked Hale ‘Ōpio, they would just give me that information? I am hoping that we are able to be able to direct as many kids as we can through that because it seems like...and particularly some of these violence things, there is a lot of bullying and fighting, even among girls, and that is my concern. What happens with those girls? Boys, as well, boys fight, it just did not seem girls fought as hard in the past. What are you doing with them?

Ms. Like: Certainly, offenses with victims, we try to keep a closer eye on...when cases go through Teen Court, our Office is not directly involved with those, so those are handled through Hale ‘Ōpio, but if there are cases that involve a victim, than we are more likely to adjudicate those in Family Court.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Are there any further questions for the Prosecuting Attorney? Councilmember Carvalho.

Councilmember Carvalho: I totally support the Teen Court program, but the funding that we are talking about right now is specific...is there additional funding needed?

Ms. Like: Yes, there is. Our Office also contributes ten thousand dollars (\$10,000) from our OPA budget to this program as well.

Councilmember Carvalho: Okay, so it ties into that also.

Ms. Like: Yes.

Council Chair Rapozo: Are there any further questions? If not, thank you very much. Is there anyone in the audience wishing to testify?

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?

The motion to approve C 2023-145 was then put, and carried by a vote of 5:0:2 (*Councilmember Bulosan and Councilmember DeCosta were excused*).

Council Chair Rapozo: Can we go back to C 2023-144?

C 2023-144 Communication (06/01/2023) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua‘i County Code 1987, As Amended, And Repealing Ordinance No. 1130 And Section 6 Of Ordinance No. 1132 Relating To Real Property Tax, which will eliminate the Residential Investor tax classification, establish authority for creating valuation thresholds and tax rate tiering, and rename three (3) existing tax classifications for better understanding and clarity by taxpayers.

Councilmember Kualii moved to receive C 2023-144 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: Normally, we would hold all the discussion until the Bill, but because Councilmember Carvalho has to leave at 10:00 a.m., I am going to ask that we suspend the rules and have the Department of Finance come up now. They have a very short presentation.

STEVEN A. HUNT, Executive Assistant to the Mayor: Good morning, Council Chair and Councilmembers. Steve Hunt, Executive Assistant to the Mayor, for official purposes. Today's Bill, which finally has a number, Proposed Draft Bill (No. 2900), and you can no longer call it "Steve's Bill," thank you. Proposed Draft Bill (No. 2900) is accomplishing three (3) main tasks, as mentioned in the opening statement. 1) It repeals the Residential Investor tax classification along with the preset valuation tiers for the Residential Investor and the Vacation Rental tax classes, that had been previously set by ordinance. 2) It creates the authority for the Council to set value thresholds and tiered tax rates. 3) It renames three (3) existing tax classifications for improved clarity on what those classifications represent.

The main reasons for repealing the Residential Investor tax classification and the current codified value thresholds. To be classed in the Residential Investor class, you must submit your paperwork with the lease prior to even knowing you are in the class. So, you get constructive notice through the assessment notice, but that comes after the deadline of filing your lease to be considered Residential. That has been problematic, especially as we moved the threshold lower on Residential Investor. We just find that unworkable, so that is one of the main reasons we are suggesting repealing the class. It is also difficult to correct any misclassifications because it must be done through appeals, so if you did not file your lease or your evidence of being an owner-occupant, then you only have this one (1) month period to file an appeal to have that considered for reclassification.

It also requires that the thresholds are actively managed, so what we are proposing now is to actually do that through resolution, when you are setting the tax rates, you set the thresholds, but the current way that this is being done, you set the thresholds by an ordinance, so every time you want to make a change and be reflective of market conditions, you have to revisit and do a new ordinance to change that. It also finally limits the flexibility on the thresholds and categories for tiering, because they are preset, whereas you can make that determination when you set the rate resolution, on which ones you want to tier. Reasons for creating the rate tiers and value thresholds, progressivity. 1) It allows the tax burden to be distributed more fairly and reduces income inequality. 2) It counteracts speculation—during periods of rapid appreciation, having the tiered tax rate where you can have higher rates could potentially promote having stable communities where there is not as much turning over. 3) You can actually designate local funding priorities by identifying tiers or classes, or tiers within a class, you can actually start to earmark if we are going to raise the rate for a specific infrastructure project or housing priority, that can be done and identified as opposed to comingle with the larger class. 4) Ability to pay. I know this is not true in all situations, but generally speaking, there is greater wealth and income that go together in terms of property values.

Finally, reasons for changing the classification names. Homestead—there has always been a little bit of misnomer of what Homestead represents, some people think it is farmland, ranching, those types of things, and really, it is owner-occupied. There has been confusion amongst taxpayers of the difference between Residential and Homestead. Changing it to Owner-Occupied, we believe will clarify that this is what your property is and you are an owner-occupant. Similarly, Residential—we do not want people remaining in Residential thinking they are owner-occupied, so we are going to specifically name it out, saying “Non-Owner-Occupied Residential.” The third class that we had some confusion on is the Commercialized Home Use, and these are essentially properties that are owner-occupied, but are not exclusively used as their primary residence and have other uses or potential for other uses by having other dwellings or structures on the property. This will make clear by calling it “Owner-Occupied Mixed-Use,” recognizes that, yes, there is an owner-occupant here, but it is not an exclusive use. With that, we will take questions.

Council Chair Rapozo: Before we go on, I want to lay out how this is going to move forward, because this is complex and there are also other areas of Chapter 5(a) that this Council will be considering amendments for. My ask would be that we move this out today to a public hearing and then from the public hearing, it will get to a committee, and this Bill will move on its own. Next Tuesday, we are scheduling a...what I am calling a Workshop, and I am sure you all received the emails. This Council will be holding a Workshop that will be independent of a Council or Committee Meeting where we will discuss the tiers of this Bill, as well as programs and exemptions that currently exist, that we need to revisit. I am not sure if we can get through that in one (1) workshop day, but it will be a full day. If not, we will have a second workshop. It is a public meeting, it will be televised, and we will have an opportunity to invite experts in the field in our local community that can help guide us through this process, because this is an opportunity for us to create a fair and consistent tax bill. It has not been done in a long time. There is a lot to talk about. That is the process that I am envisioning going forward.

Councilmember Cowden: I have a question on the process. Thank you for the effort and just in the case for anyone watching that does not understand Chapter 5(a) is Real Property Tax, so I appreciate what you have done here. When I have been waiting for “Steve’s Bill,” I was expecting it to be broader than just Residential Investor, and so when we work on Tuesday, Chair, if there are other areas in Real Property Tax or pieces that might be a little bit broader than that, is that going to fall into there?

Council Chair Rapozo: Correct.

Councilmember Cowden: Okay.

Council Chair Rapozo: The Workshop will be for Chapter 5(a).

Councilmember Cowden: Which is Real Property?

Council Chair Rapozo: Correct. This is imperative that we pass. This Proposed Draft Bill that is in front of us, the Residential Investor is imperative that we

need to pass. I want to work on the amendments for this Bill in the beginning of the workshop. Those amendments will be presented at the Committee Meeting after the public hearing, and hopefully we can pass that Bill out while we work on a separate bill that is going to address the other components.

Councilmember Cowden: Okay.

Council Chair Rapozo: In meeting with the Department of Finance...I do not want to cloud this Bill with too much complexity and then it becomes too complex. We need to get this passed. This segment. We need to get rid of Residential Investor. It has hurt a lot of people. That is why I am suggesting, in discussion with the Department of Finance and Reiko, that this Bill will go specifically for the Residential Investor and then probably in July, with the second bill with everything else, with the programs and exemptions.

Councilmember Cowden: If I had an amendment on this one.

Council Chair Rapozo: Yes.

Councilmember Cowden: ...which I do not think it is such a stretch, that would be in Committee that you would see and you do not get to see it beforehand?

Council Chair Rapozo: Correct. Well, I would say that we can talk about it on Tuesday.

Councilmember Cowden: We can talk about it on Tuesday?

Council Chair Rapozo: Yes, absolutely.

Councilmember Cowden: Okay.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: This Bill is eliminating the tiers as they were for Vacation Rental and Residential Investor, and then it is stating that tiers can exist in the future, but they will be determined each year by the Council?

Mr. Hunt: Yes, that is correct. We are taking out the hard coated amounts and the categories for which they would apply to, but it does not mean you would necessarily take them away, you are just pushing that now to the rate and the tiering resolution that you would come up with as part of the budget annually.

Councilmember Kualii: Even though we only...what is being eliminated as tiers for the Vacation Rental and Residential Investor, in the future, with the ability to do tiers, we can do it for other classifications as well, such a Commercial and Agriculture?

Mr. Hunt: That is correct.

Councilmember Kuali'i: Okay. Thank you.

Council Chair Rapozo: On Tuesday, the Department of Finance will be prepared with the spreadsheet up on the screen with the tiers that we will be able to...I hate to say "tinker," but we will be able to tinker with...to see what the cause and effect is to the budget.

Councilmember Cowden: Okay. I appreciate the worksheet that you have where we can do a "what-if analysis" because I think that is important. One thing I was expecting here is...and this is in response of Councilmember Kagawa's valid concerns was relative to tiering owner-occupied, because if I heard you correctly, if someone owns a forty-million-dollar house, you are not that excited about dropping it as hard as say we did this last time. Did I hear that correctly? No?

Councilmember Kagawa: No. That was a swing and a miss.

Councilmember Cowden: Swing and miss, okay.

Councilmember Kagawa: What I said was that if you own a multi-million-dollar house, you get a huge benefit from any small change that we make to the rate compared to someone who has just one of our low-income areas of market homes, that is what I was saying. Why is the rich person that can afford the bigger mortgage, the way more expensive house, why is he getting way more of a discount every time we make changes to the rate when we are trying to help people that need it the most? That is what I am saying, we see people struggling.

Councilmember Cowden: Right.

Councilmember Kagawa: That is all I am saying.

Councilmember Cowden: I thought you wanted tiers on that, no?

Councilmember Kagawa: Well...

Council Chair Rapozo: That is...

Councilmember Cowden: For Tuesday's discussion.

Council Chair Rapozo: Yes.

Councilmember Kagawa: I just wanted to address it.

Council Chair Rapozo: That is the beauty of the new structure. We will be able to really surgically tinker with the classes within the class through the tiers.

Ms. Matsuyama: Just to clarify, this Bill enables tiers on every single tax classification, including owner-occupied.

Councilmember Cowden: Okay.

Ms. Matsuyama: So, you would be able to find whatever you consider a high value, and it will...as Steve was saying, every year we get to look at that during the budget process, and every year we get to set not only the rates, but also the value thresholds. Even this year, just as an example, Maui does tier their Owner-Occupied tax class and they went down five cents (\$0.05) on each of the first two (2) tiers, and they went up on the last tier. I forget what their value thresholds are, but that goes to Councilmember Kagawa's point on reducing the rate for lowers and increasing it for the higher ones. When we go over Steve's spreadsheet on Tuesday, when you tinker and you play with the value thresholds, you will also be able to see the number, so the quantity of parcels, granted this is last year's data, but you will be able to see the quantity of parcels that you are going to affect when you hit that value threshold.

Mr. Hunt: If I can add one (1) more thing, too. The Bill that is before you, Proposed Draft Bill (No. 2900) is neither a tax relief nor a tax imposition bill. All it is, is giving you tools that you can start to target where you want the taxes to come from and it is getting rid of the Residential Investor class. To some degree, there is a bit of time pressure only because we do need to work with our vendor, especially on the tiering and the removal of that Residential, which is an override tax class. I appreciate you moving this separately, because there is somewhat of time pressure, and there is no impact at this point.

Council Chair Rapozo: You can thank Reiko for politely asking yesterday.

Councilmember Cowden: I have another question. When we were looking at the spreadsheet, they are all organized to bring it to the revenue neutral, not lowering taxes...I did not see anything in here where that is the requirement.

Ms. Matsuyama: It is not.

Mr. Hunt: It is not.

Councilmember Cowden: When we are getting people to the table that would be in the industry or impactful that would have strong knowledge in this, I am assuming this is open to the public, which but way have we sent out invitations to experts, is that mostly coming from the Administration, the Department of Finance, or coming from you, or from all of us?

Council Chair Rapozo: It will be from all of us. After we get through Tuesday, we will figure out if we need a second workshop. If we do, and we wanted to focus on certain areas and we need some expert, then I would recommend we invite some.

Councilmember Cowden: The Tuesday workshop, are we not inviting the experts?

Council Chair Rapozo: No. This is just between the Department of Finance and Council.

Councilmember Cowden: Okay, that is important to me.

Council Chair Rapozo: The tiers—I can tell you, will take some time. If we get to a situation where we feel we need more information from the realtor segment or landlords or tax people, we can always have them come in as resource people.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: The tiers will take a long discussion.

Council Chair Rapozo: Yes. Once they start putting numbers up there...

Councilmember Carvalho: Reiko, you mentioned not only affecting the rates...the overall piece?

Ms. Matsuyama: You know how we do the rate resolution every year that comes in with the budget and then you folks have the ability to change the rates the Mayor proposes, in that resolution, you are going to also have a proposal on which...like when the Mayor submits his March 15th budget, it is going to come over on basically what classifications that we recommend tiering and we are going to have a value thresholds for that. Right now, for example, what we are going to repeal is Vacation Rental and Residential Investor have one million dollars (\$1,000,000) and three million dollars (\$3,000,000) thresholds. How tiers works is for all the value up to one million dollars (\$1,000,000), you are going to be taxed at the first rate, any value from one million dollars (\$1,000,000) to three million dollars (\$3,000,000) is going to be taxed at the second rate, anything excess of three million dollars (\$3,000,000) will presumably have a higher rate. High value properties could potentially have three (3) rates attached to their one (1) property, depending on...so it is going to be a waterfall. That being said, that one million dollars (\$1,000,000) and three million dollars (\$3,000,000) that is now set by ordinance, we are taking that away and now those amounts are going to be in the rate resolution that comes over during budget time. If the market values jump again by fifty percent (50%) and you say “instead of one million dollars (\$1,000,000), we think the first tier should be two million dollars (\$2,000,000),” you can also try to affect behavior based on how you set those tier thresholds as well.

Councilmember Carvalho: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you for that. That is my other...this is not easy because the flexibility also creates problems as well. My biggest problem with the federal tax system is that for married and filing joint over one hundred ten thousand dollars (\$110,000)...so you can make one hundred eleven thousand dollars (\$111,000) joint and you get punished. If you make one hundred ten thousand dollars (\$110,000)

or less, then you get the lowest tax rate the federal government has. You can make one thousand dollars (\$1,000) more than the limit and you get punished. How does a person who make one thousand dollars (\$1,000) more a year get punished?

Ms. Matsuyama:

And that is kind of what...

Councilmember Kagawa:

That is my problem with the valuation.

Mr. Hunt:

I think what Reiko covered is we know longer have the cliff. Everyone pays the same amount up to the million dollars (\$1,000,000), so on the income approach, if it is fourteen percent (14%) tax, you all pay it up to that certain limit, and you only pay the higher amount on the incremental above and not the entire million.

Councilmember Kagawa:

Okay.

Mr. Hunt:

It is feathering in that additional tax on an incremental basis instead of totality. Right now, the Residential Investor was the whole...you just crossed the threshold, you pay the higher rate on the entire amount, which was the cliff. That goes away.

Councilmember Kagawa:

The feather is awesome. I love the feather. It is fairer than the other way, that is the hammer.

Council Chair Rapozo:

Are there further questions? We will have a lot more discussion on Tuesday. Are there any further questions on what is in front of us today? If not, thank you very much. I know there was one (1) registered speaker.

JEFF LINDNER:

Jeff Lindner. *Aloha*, Councilmembers. I understand there needs to be something happening on the Residential Investor, but I am concerned that maybe now is the time to include other things in those tiered ideas, I guess. This is really about housing. People who do not live here, taking houses, people building houses and no one living in them, and so I would suggest a tier for Commercial, Industrial, and Hotel, where the County has given out permits. Say they have created something to R-4 and so the house has not been built, but the zoning, the density has been given. Why is there not a tax or something to encourage, because we saw from the presentation rapid appreciation, well, it basically someone has been sitting on some zoning and this is how I understand it happens, is they can get the zoning, they can get the density, but until they decide to actually do it, they are not charged at that density rate. I understand those are not houses built, but those are potential houses that the County has designated and there should be something, those permits should not go on forever, because that increases the appreciation. Most of those are down here in Līhu'e, I do not know, someone should do a study. Thousands of them have been sitting here for thirty (30) to forty (40) years, it is just really on the other end, that would be something to consider for everyone for housing. The other thing that is in this Bill that I wanted to point out was, it is Section 3(b), "when properties divided into condominium units, each unit shall be classified based on its actual use into one of the general classes and deems the parcel and assessed separately." Basically, when someone does a

condominium property regime (CRP), and it says use, but they say it is a single house and they tax at a density. If someone gives R-4, no one taxes it as anything.

Council Chair Rapozo: Hang on real quick. How much more do you have?

Mr. Lindner: I just have a couple more minutes.

Council Chair Rapozo: Okay.

Mr. Lindner: A condominium is not a parcel and nowhere else is real property assessing density on anything and there is already existing density in the agriculture, so you are not actually increasing anything, it is just as soon as you do that, you are assessing it as that. That needs to be looked at. If it is unwritten, the Administration will basically put their interpretation in and if that interpretation on use means "as soon as you have it, it is a house," then it is up to the Council to address that. Thank you.

Council Chair Rapozo: Thank you very much, sir. Ms. Parker.

(Councilmember Carvalho was noted as excused.)

ALICE PARKER: Alice Parker, for the record. I was listening to the different classifications and I had not seen any that addressed the situation my father was in, okay, so it was the 1950s, but he had a business in his home. One-bedroom was his office and he did real estate, taxes, and insurance, he was a broker. He had people visiting doing business there and I have not seen the classification for office in home where there are clients and residential and I think there should be a file... two-part, duo capacity. Thank you.

Council Chair Rapozo: Ms. Parker, there is a classification called Owner-Occupied Mixed Use which would be for the homeowner business.

Ms. Parker: Perfecto. Thank you. The other thing is, and I heard from other *kūpuna* like me, we love the new captioning, it is close to the words that come out and it is easy to read. Thank you.

Council Chair Rapozo: Is there anyone else wishing to testify?

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

Council Chair Rapozo: Is there any further discussion on this or the process?

Councilmember Cowden: I appreciate that we are going to take a full day to work it out and my understanding is that we are going to work it out so it is clearer, before we do an invite out to people, who would have strong opinions on it. I appreciate what we are doing.

Councilmember Kagawa: For people like Jeff in the community with a lot of knowledge of having opinions on where we should go, what you should do, if you send an email to us, and that way when we have the workshop, we can bring up those questions and Steve has been working on it for a long time, so he will have some reasonings why things are the way it is. Those are always healthy discussions.

Councilmember Cowden: I really appreciate Jeff's comments and, Chair, I showed you parcels where they are one hundred fifty dollars (\$150) a year, quite a lot of them, and larger parcels, next to, with due respect a poor farmer. I think it is fair to call a person a poor farmer...

Council Chair Rapozo: Not too many rich farmers.

Councilmember Cowden: Not too many rich farmers, but I say that respectfully, but when someone is working hard and living on very little, and they are charged magnitudes of scale more than these parcels that could sit for a very long time holding their value, growing in value, while paying a minimum tax, I appreciate the comment.

Council Chair Rapozo: I did not know until you showed me the map. I was kind of dumbfounded to see how these massive landowners that have more than the ability to pay, that are land banking, continuing to purchase more, paying minimum tax. It drives me crazy. Jeff, I appreciate you coming up. I know it is hard to be here, but if you can come on Tuesday, we would love to have you. For all of you who are watching, throughout the year we have emails from the public regarding exemptions and programs, that is what we want to address this year. Our deadline is obviously, I am going to call it September, for anything to pass this Council, for it to be implemented in October. We are on a time crunch. I know these extra workshop days can be tiresome, but we cannot do it in a Committee Meeting with Residential Investor Bill, again, the intentions were good. What did I say?

Councilmember Kagawa: You said Tuesday.

Council Chair Rapozo: June 27th is the workshop. If we do not think these things out and put it in the worksheets that we can all participate in, then you end up with unintended consequences. That is no hit on the former Council or anyone else. I was part of a bill that I thought...I am not sure...it was Councilmember Kualii's circuit breaker, same thing. We were cheering that we were going to save the world and in a very short period of time, we realized, we just screwed up a lot of people. We had to revisit it, go through tax credits, and all these things. I plan to take as long as it takes. With the cooperation of our Department of Finance and this Council, if it takes two (2) workshops, it may take three (3) workshops, we are not going to rush this, because we want this to be done right. Is there anyone else?

Councilmember Kualii: *Mahalo nui loa* to Steve, Reiko, and all of their team that helped them to get us to this point. Thank you in advance for the work you will continue to do with us. I look forward to using the tools you created for us to, in essence, create more fairness each year with our taxing, with the rates and the levels.

Councilmember Kagawa: Is there going to be a way to take a vote on certain amendments of where we are headed? One person may believe it is worthy of discussing it all day, while six (6) may feel like, "let us move on to," is there going to be a way of taking that type of straw poll?

Council Chair Rapozo: It is going to be an informal meeting or workshop. We are not going to be doing amendments during the workshop, but we will definitely have an opportunity to share your amendment or share what you want and you will know right away.

Councilmember Kualii: In essence, we are looking at the tool and the structure, so each year during budget, that is when we have to make the tough, political decisions. Now, all we are deciding is, is this tool, based on how the examples they show us how we can use it, is it giving us all of the ability that we want or do we need to finetune that. Actually, our political directions on whether we want to tax these people more and these people less, I do not think that is what we should be talking in this workshop, because that is what we have to talk about each year during the budget.

Council Chair Rapozo: Correct. We are going to determine whether or not we want to remove this tier system that is in the Bill.

Councilmember Kualii: Oh, we are removing it, right?

Council Chair Rapozo: Well, that is in the Bill. The nice thing about the workshop format is we will be able to have an example of the software so we can play with it to see a practice run. We are not setting rates, we are not setting thresholds, we are not doing that, but we will be able to determine and have the discussion on how will we tier, how would we tier Residential, Commercial, Industrial. One of the things I wanted to do this year was reduce taxes in Commercial property and I got some strong opinions from the community, "How dare you give Walmart, Costco, and Home Depot these tax breaks," but the intent was to take care of mom and pops that own their building. With the tier system, we could do something like that. We could really narrow the target to the mom and pops. This Council will figure out how we are going to do that, by setting the threshold. That is not going to be discussed at the workshop. I think we will be talking in generalities, but I also want to address the programs and the exemptions. While assessments went through the roof, our exemptions stayed the same. It should rise proportionate and it has not. That is one of the things...programs, there are so many tax programs we have here that I want to revisit as well. The workshop gives us that flexibility to discuss any part of Chapter 5(a) without being restricted to an agenda item on a Council or Committee Meeting. That was the thought.

The motion to receive C 2023-144 for the record was then put, and carried by a vote of 4:0:3 (*Councilmember Bulosan, Councilmember Carvalho, and Councilmember DeCosta were excused*).

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

CLAIMS:

C 2023-146 Communication (05/16/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mark Marchant, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-147 Communication (05/24/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ona Lowry, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kuali'i moved to refer C 2023-146 and C 2023-147 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Kagawa.

Council Chair Rapozo: Matt, I have a general question as far as claims, because we are seeing an incredible number of claims for vehicle damage. I had a call from a client the other day, and I know we have discussed this in the past, but I wanted to understand where our position as the Council lies as it relates to claims. I know the policy of the County is that if you are the first person that hits a pothole, your claim is denied, but if you are the second, third, and the fourth, we will pay. Weliweli Road or any road, the person hits a pothole, but prior to that had been complaining to the Department of Public Works, but there is no documentation of the calls, the emails, it is just, "Yes, we are working on it; it is on a list." I know it can be abused, I understand that, but if there is a person who hits a pothole for the first time, do we have any authority as a Council to approve that claim or is that something that is solely the authority of the Office of the County Attorney?

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. Just to take two (2) steps backwards, slightly. It is a notice requirement. Even if the first person hits the pothole and we never received notice of the pothole and the second and the third person hit the same pothole, we might deny all three (3). We only approved claims related to potholes if we had notice. The notice can be unofficial, they make a telephone call. What happens is, the claim is referred from you all to our office, which we then send a notice to the department and ask for an investigation. They will send us emails; they will tell us about phone calls. If we had any sort of notice...in some situations, we have looked at the County's Facebook page and we had notice on the County's Facebook page, and we approved it based on that, because someone complained about the pothole on the Facebook page. The claimant should put all the information in the claim saying, "Hey, I notified the County on these dates," and then when we are looking at the claim, then we could verify if that occurred or not. We will go off any notice that we have, even if it is a telephone call. As long as someone from our side verifies that, "Yes, we did receive a phone call about this," then we would potentially approve the claim. What occurs with the claims is they are referred to you all, from you all to us, which we then investigate. We have authority to settle claims under five thousand dollars (\$5,000), anything above that comes to you all. Most potholes are going to fall under that threshold. I guess if there was a specific claim that you all incline, because we discuss all the claims with you all in quarterly meetings, I guess you can send a formal communication over to us and we can look at that, and take that into consideration

or we can discuss that when we discuss the quarterly claims. They generally move pretty slow.

Council Chair Rapozo: I noticed we have a lot of claims in the last few months and it is pothole damage. I drive on these roads too and it is bad, and it goes back to what Councilmember Kagawa was saying about we were supposed to have fixed all of our roads. I will see if I can find out the specifics of that claim.

Mr. Bracken: There are some claims that we also referred to...I cannot remember...I would have to ask the Department of Public Works if this is the same road or not, but there were some repairs done to a road and then the repairs were not up to our standards and then potholes formed rather quickly, so we are actually are denying those claims and then referring them to the contractor, who are saying, "This contractor did the improper repair, please submit your claim to them." I cannot remember if this was the road or not.

Council Chair Rapozo: Thank you. Is there anyone in the audience wishing to testify?

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

The motion to refer C 2023-146 and C 2023-147 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 4:0:3 (*Councilmember Bulosan, Councilmember Carvalho, and Councilmember DeCosta were excused*).

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

COMMITTEE REPORTS:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (No. CR-PRT 2023-02) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Received for the Record:

"PRT 2023-02 – Communication (04/26/2023) from Council Chair Rapozo, requesting the presence of the Director and Deputy Director of Parks & Recreation, to provide an informational update on progress of the Master Plan for Black Pot Beach Park,"

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

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 for approval of the report was then put, and carried by a vote of 4:0:3 (*Councilmember Buloşan, Councilmember Carvalho, and Councilmember DeCosta were excused*).

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

PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

A report (No. CR-PSHS 2023-02) submitted by the Public Safety & human Services Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2898 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES),”

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

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

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

Ms. Parker: Alice Parker. Same old refrain noxious. I was going to bring my Oxford English Dictionary, that mean “bad, evil.” Obnoxious is when someone maybe farts in your face, and that is not really noxious, but it is obnoxious. Thank you.

Council Chair Rapozo: Is there any further testimony? If not,
Councilmember Cowden.

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

Councilmember Cowden: Can we check on that? Do we have the wrong word, maybe we need to fix the word?

Council Chair Rapozo: You are right. Do we have any English major in here? I agree with Alice, actually, because obnoxious is almost like a behavior, but we need to figure this out because that Bill is coming up to vote very shortly.

MAX RICHARDSON: Noxious is when there is when there is toxicity.

Council Chair Rapozo: See.

Mr. Richardson: I mean, it is super obnoxious, that is the most painful thing that could possibly happen to you, but it is not a physical irritation and not a toxicity.

Councilmember Cowden: Thank you.

Council Chair Rapozo: Okay, I do not know how we address that discussion, but anyway thank you very much, Mr. Hō'ike. Is there any further discussion?

The motion for approval of the report was then put, and carried by a vote of 4:0:3 (*Councilmember Bulosan, Councilmember Carvalho, and Councilmember DeCosta were excused*).

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

BILL FOR FIRST READING

Proposed Draft Bill (No. 2900) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, AND REPEALING ORDINANCE NO. 1130 AND SECTION 6 OF ORDINANCE NO. 1132, RELATING TO REAL PROPERTY TAX

Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2900) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 12, 2023, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any further discussion that we have not had already? Is there anyone in the audience wishing to testify?

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

The motion for passage of Proposed Draft Bill (2900) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 12, 2023, and that it be referred to the Finance & Economic Development Committee was then put, and carried by the following vote:

FOR PASSAGE:	Cowden, Kagawa, Kuali'i, Rapozo	TOTAL – 4,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan, Carvalho, DeCosta	TOTAL – 3,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Okay, and our last item, please.

BILL FOR SECOND READING:

Bill No. 2898 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 15, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (OBNOXIOUS SUBSTANCES)

Councilmember Kualii moved to approve Bill No. 2898 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any public testimony? Is there any discussion? Thank you, Councilmember Kualii and Councilmember Bulosan for putting this Bill forward. This will now make it legal for members of our community to acquire pepper spray, it does come with rules and regulations, but at the end of the day anyone can really go into the store now and purchase this for self-defense/self-protection. Thank you.

The motion to approve Bill No. 2898 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:	Cowden, Kagawa, Kualii, Rapozo	TOTAL – 4,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Bulosan, Carvalho, DeCosta	TOTAL – 3,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: That concludes the business on our agenda.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:22 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc