

## COUNCIL MEETING

APRIL 12, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, April 12, 2023, at 8:35 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan  
Honorable Bernard P. Carvalho, Jr.  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Ross Kagawa  
Honorable KipuKai Kualii  
Honorable Mel Rapozo

### APPROVAL OF AGENDA.

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

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

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

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

Council Chair Rapozo: Next item, please

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

March 8, 2023 Council Meeting  
March 22, 2023 Council Meeting  
March 22, 2023 Public Hearing re: Bill No. 2895

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

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

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

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

### INTERVIEWS:

#### FIRE COMMISSION:

- Trevor J. Ford – Term ending 12/31/2025

ELLEN CHING, Boards & Commissions Administrator: Good morning, Ellen Ching, Boards & Commissions Administrator. Today I am happy to introduce Trevor Ford. Trevor was born in our sister state of Alaska, he was raised on Kaua'i and attended Kahili Mountain Park High School.

Upon graduation, Trevor jumped into the working world of construction with his dad. In 1994, he went to Alaska to visit family, and stayed, working in construction building homes.

Then just two (2) years later, life happened in a big way, he moved to Washington State, formed his own company as a general contractor, got married and started his family of five (5) kids.

As we like to say, you can take the boy out of Kaua'i, but you cannot take the Kaua'i out of the boy. So, thirteen (13) years later, Trevor returned home. He has continued to work in construction initially at Pacific Missile Range Facility (PMRF) as a Planning/Estimator where his duties also included overseeing all work.

Trevor has his General Contractor's license in Hawai'i since 2004, so after PMRF he went out on his own. Then, in 2016 he started work at Layton Construction where he is currently a Senior Superintendent.

At Layton Construction, Trevor has worked on an array of significant projects here on Kaua'i and O'ahu. These include the remodeling of the Kamehameha School dormitories, Makana Northshore Urgent Care in Princeville, Elsie H. Wilcox Elementary School Library, the Adolescent Treatment Center, and Island School's new science, math, and robotic's facility.

In his free time, Trevor enjoys taking care of his parents, family, and friends, going to Kōke'e for a day, or traveling to Washington to visit his kids.

Although he no longer paddles, he still goes surfing and hiking. Growing up on Kaua'i, music was a huge part his upbringing, and he learned to play the guitar and *ukulele*. He still likes to grab one of his instruments and play some country, Hawaiian, or rock like Kalapana, C&K, George Strait, Randy Travis, Jack Johnson, and other tunes he grew up on.

Trevor says he likes to dine out, but his wife, Holly is such a great cook, they very rarely do. If you are lucky, you might snag a dinner invite for his favorite dish, fillet mignon with a béarnaise sauce.

Trevor would be new to any board or commission, as a former volunteer firefighter, Emergency Medical Technician (EMT), and Fire Commissioner in Skagit County, Washington. I am excited that Trevor is willing to lend his time and talent to Kaua'i's Fire Commission.

Council Chair Rapozo: Wow. Ellen, I do not know how you keep doing this, but you are finding some amazing candidates. Mr. Ford, if you would like to give us an overview, we heard the biography, just if you wanted to add anything to that.

TREVOR J. FORD: No. Just really looking forward to helping out my community. I have experience in the Fire Commission like she said in the past I started out as a volunteer firefighter in the State of Washington, and it just naturally progressed. I was asked by my Fire Chief there to become a commissioner because of my abilities in construction of budgeting homes, and working with my customers. So when I moved back to Kaua'i, obviously I gave up that, and I asked Councilmember Carvalho years ago, I have asked Mayor Derek S.K. Kawakami a couple of years back, so I am really appreciative that I got this call, and I am able to help my community here.

Council Chair Rapozo: Awesome. Thank you for agreeing to serve. Are there any questions? Go ahead, Councilmember Kagawa.

Councilmember Kagawa: Thank you. Impressive. I am in total support. One (1) question, this subject comes up a lot from local residents, or even some firefighters who continually save, well not save, but with the helicopter they will pick up visitors who take advantage of what services we have, like if they get tired, or twist their ankle walking Kalalau; we spend thousand of dollars just on that trip with County taxpayer money, and local residents watch these things happen over and over, and see no adjustments for years, and wonder why can we not send these folks the bill, or why can we not refuse? If they have a sprained ankle, hard luck, you need to get out of there somehow, call your friend, but it is to the point where it seems ridiculous that we spend so much of our time and effort on these visitors who do not have any common sense about their capabilities, and what have you, and get themselves in those kinds of situations, and we bail them out for free. I think it is ridiculous. What are your feelings?

Mr. Ford: Thank you for the question. That is a great discussion to have. Other counties and states have exactly the same issue, and they have multiple programs, so that is something that the Fire Commission and possibly the County will have to discuss and find a good solution to that problem, because there is multiple out there, and then get it approved. Technically, it does need some legislative work on that side of things but thank you for that question. Thank you.

Council Chair Rapozo: Councilmember DeCosta, then  
Councilmember Cowden.

Councilmember DeCosta: Mr. Ford, I am a building and construction teacher at Kapa'a High School, and I have taught at Waimea High School, so you and I can sit down and talk construction, and I have heard all the great work you have done on Kaua'i. My youngest son is in the construction field right now in college. I wanted to ask you a clarifying question. You have done quite a bit of projects here on Kaua'i, you mentioned some big construction projects.

Mr. Ford: Excuse me, which?

Councilmember DeCosta: You mentioned some construction projects you did on Kaua'i.

Mr. Ford: Yes.

Councilmember DeCosta: In Hawai'i, and I want to ask you, you have done some construction projects in the mainland.

Mr. Ford: Yes.

Councilmember DeCosta: Is there a different way that you learned any more about doing a construction project in the mainland versus how you do a construction project in Hawai'i, is there a difference on how you do things? Were you able to get more out of doing it in the mainland versus doing it in Hawai'i? I want you to tell me a little bit about that comparison in construction and the big projects. I am going to go somewhere with this, but I want you to answer that.

Mr. Ford: Thank you. Yes, absolutely. I was raised here doing construction with my dad, and his brother was a general contractor, my mom was an interior designer, so I grew up in this field, we built multiple homes growing up in 1996 when I got my general contractor's license in the mainland, and in 2004 here, I did notice a big difference between the states, and how we do things here. There is a lot of techniques in the mainland that still have not made it here. I do not want to say there is anything wrong with the way you do things, because there are a lot of ways to skin a cat and a lot of ways to build a building, but it is how you learn, so if you learn a more efficient way, then that is what you do, but if you learned a way from thirty (30) or forty (40) years ago, and you have not got up to speed with new techniques, materials, and so forth, then you are still doing it right, just the way you learned it, that is all, and it may take extra time.

Councilmember DeCosta: Are the clientele and the culture a little different when you do business here versus business in Washington or Alaska?

Mr. Ford: Yes. I do not want to disparage anyone, but there is a reason why I moved back to Hawai'i, especially back to Kaua'i.

Councilmember DeCosta: You are preaching to the choir. Where I am going with this is, your job and part of the Commission's job is your point as a Fire Chief, correct?

Mr. Ford: Yes.

Councilmember DeCosta: What I want to see, Councilmember Carvalho and I put a Resolution out to encourage our local clientele from our *kama'āina* community, which just means a local Kaua'i resident, that is all it means, being emersed in the culture, do you find it important to have upper level management from this culture and from this island?

Mr. Ford: I personally do.

Councilmember DeCosta: Okay, thank you for that.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a follow-up to Councilmember Kagawa, and slightly Councilmember DeCosta. When you were in the Fire Commission in Washington State, how responsible were you folks for the budget? Here the Commission does not do so much with the budget. When you were there, because you were bringing up some budget issues, Councilmember Kagawa was bringing up budget issues, can you tell us a little bit about how the Commission works where you were? I get that it was a volunteer Fire Department, so it is quite different.

Mr. Ford: Right, so that started out as a one hundred percent (100%) volunteer Fire Department prior to me getting there and became a combination department by the time I left. I hired two (2) Fire Chiefs during that time, and we grew the department from about seventeen (17) people to forty-five (45) people, so we were very involved with the budgets of the Fire Chief, and we had final approval over them. He had to justify every bit of his cost to us, and he did that with charts and so forth that were readily available on our software that we had for the department.

Councilmember Cowden: I think that would be an interesting fresh eye, though our Fire Department, which I would describe as very professional, so they have a lot of different positions to be addressing elements, so that is probably why we do less of that.

Council Chair Rapozo: Are there any other questions for Mr. Ford? Go ahead.

Councilmember DeCosta: I had a smirk and smile, Kahili School.

Mr. Ford: Yes.

Councilmember DeCosta: Do you remember that little hot water furo that they used to have, a cement one, where they had the hot water?

Mr. Ford: Yes.

Councilmember DeCosta: Not too many people know that, but as a Boy Scout, we were able to spend some time at Kahili, I remember when I was eight (8) or nine (9) years old getting into a hot tub. I do not know if it is still there.

Mr. Ford: I do not know either, I have not been up there since I left the school.

Councilmember DeCosta: Do you remember it growing up?

Mr. Ford: Yes.

Councilmember DeCosta: That was a fun thing.

Mr. Ford: Fun fact, I think at your house up there in Lāwa'i, that used to be the school, that is where I started work.

Councilmember DeCosta: That is a fun fact, there is still the old tether ball pole in the mountain, you folks were playing tether ball on the mountain, and there is a round pad. Thank you, Mr. Ford.

Mr. Ford: I remember that.

Council Chair Rapozo: Thank you.

Mr. Ford: Thank you.

Councilmember Cowden: I have discussion.

Council Chair Rapozo: Okay, go ahead.

Councilmember Cowden: I just want to say, I have known Trevor for, I do not know how many years, maybe ten (10) or so, maybe a little longer, but he is an excellent choice. I just want to make a comment, when I saw his application here, it has almost nothing on it, and I went "wow" Trevor is so humble to not say all these amazing things that he has done. I do not know if you wince when you see me come up or not, when I see him standing somewhere, it is all I can do, and I rarely succeed to not come "pick his brain," because whatever is going on around him is usually why I am wherever I am at. I can ask Trevor just about anything and certainly things like how to make a good walkway down to where we bought that place at Pu'upoa, we just made the trade at Hideaways. Any question I ask him, I get a ton of quality information, so I just want to say when I saw his name on the sheet here, I smile deeply because I thought well, what a find, because while you are humble, too humble maybe, you have so much knowledge. I thank you very much for taking the time to do this, and I think you will be great at this, there are

probably a few Boards or Commissions I would be willing to put you on, because of your depth of knowledge, and your strength in the construction information is really good. Yay, thank you.

Mr. Ford: Thank you very much.

Councilmember DeCosta: Final discussion. I am going to chime in on behalf of Councilmember Cowden. I am sorry to ask you tough questions, but you are that local boy, you were born here...

Mr. Ford: Close enough.

Councilmember DeCosta: Well, you came back to be in our school system at Kahili, and you went away to the mainland to get educated, *akamai*, learn everything, and now you came back. It is that part of the culture that you had within you growing up here that realizes the importance of how you make decisions that affect our community, our Fire Department, and everyone, so that is where I was going with that. I am very honored to have you, Mr. Ford, and I know you personally, so I have your back on this.

Mr. Ford: I appreciate that very deeply. Thank you very much.

Council Chair Rapozo: Thank you. Councilmember Carvalho.

Councilmember Carvalho: Hey, Trevor. I know you, and what you can do and your experience. I want to thank you for coming back and jumping right in, because I know you have all the knowledge, understanding, and the heart to move things in the right direction. The decisions will be tough along the way, but I know that, and I am happy that you are on the team.

Mr. Ford: Thank you.

Councilmember Carvalho: *Mahalo*.

Mr. Ford: Yes, anything I can do to help. May I say a short story? The reason why I got into firefighting back in the day, my daughter almost passed away, and she had a minor cold, we came here back to Kaua'i to visit for the summer and she almost died of a very rare disease. I told my ex-wife at the time, we are having these kids, someone needs medical training, I will send you to college to be a nurse, and she said, "No, go figure something else." So, I became a volunteer, and I just love giving back to my community, I love serving my community, I taught my kids that, they were always around it, and this is my home, Hawai'i is my family, Kaua'i is especially. I had the opportunity to work on three (3) islands now building, and you would be amazed how many people on all the other islands have roots here on Kaua'i, and how that really transfers, and you get good relationships, and you can expect your outcomes from that just by treating people with respect and helping them out, the same with culture and everything

around there, so I love it very much and I am very thankful that you folks are allowing me to have this opportunity to help.

Council Chair Rapozo: Thank you very much. Next up, Alice Luck.

**COST CONTROL COMMISSION:**

- Alice E. Luck – Term ending 12/31/2024

Ms. Ching: Ellen Ching, Boards & Commissions Administrator. Originally from Glendale, California, Alice took the scenic route to get here. Upon her high school graduation Alice continued her education at University of California Santa Barbara earning a Bachelor's in Communication. Directly after she entered the Peace Corps and landed in a small town in Santa Cruz, Bolivia. There she worked at a tree nursery and taught environmental education to elementary and high school students. The big take away here was no matter where we come from, we all care about the same things, family, health, and kids. Two (2) years later Alice returned to Las Angeles (LA) and worked at the Boys and Girls Club before moving to Bloomington to attend Indiana University graduate school where she earned her Master's in Public Affairs. Upon graduation, after a brief stint in LA, she took off for South Korea, and for two (2) years taught English in and around Seoul. Back in LA, she worked at a consultant firm writing grants for the school district. As a program manager, a project return a peer support mental health network, and as a Grant Administrator at the Children's Home Society before landing as a Chief Executive Officer (CEO) at Kaua'i Planning and Action Alliance in 2020. Alice has been to Kaua'i several times to visit her sister, a long-time resident of fourteen (14) years, so it seemed like a natural move to move here and put down some roots. During her free time, Alice likes to hike, binge watch real crime documentaries, and cook, or actually she loves to bake her specialty, everyone's favorite, chocolate chip cookies. Yes, the travel bug is still there, she would love to go to Alaska and visit more National Parks. Alice would be new to any commission; she has worked in many public and private nonprofit organizations. In any nonprofit organization funding is always an issue, therefore the issue of where the funding is coming from, how the funding will be used, and when will funding be available are carefully scrutinized, so I am pleased that Alice is willing to volunteer and contribute all her experiences and expertise to the Cost Control Commission.

Council Chair Rapozo: Thank you. Ms. Luck, do you want to add to that? That was quite a biography.

ALICE E. LUCK: Yes, I am happy to contribute my time to this, I think it is a really good cause. I noticed that the Commission has not been active in quite a while, and I think it is a really important one, and we have limited resources, so we have to use them the best that we can.

Council Chair Rapozo: Thank you. Councilmember Kualii.

Councilmember Kualii: Hi, Alice, good morning. Thank you for stepping up and being willing to serve. My question just has to do with your statement on your application here. I am just trying to get a better understanding of your motivation. Basically, you say you want to identify areas of cost-saving that can be redirected to more pressing areas and priorities, so I am curious to know what your top one (1), two (2), or three (3) more pressing priorities.

Ms. Luck: It is not for me to decide. This County has a lot of competing urgent priorities, I am not going to name them, because it is not my place to decide where that goes, that is the work of the Council and the Mayor.

Councilmember Kualii: Yes, but as an active person in our community, I know you do this work with the nonprofit, Kaua'i Planning and Action Alliance, I like the idea that you are motivated to contribute in this way to help on the Cost Control Commission, because it is true that if you want identify savings in one area, we can spend it in others areas that might be more pressing, if you will. I think I share with you the concern for children and families. Thank you.

Ms. Luck: Yes.

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

Councilmember Cowden: Thank you, Alice, for being willing. I believe I have worked with you almost since you arrived in both Kaua'i Resilience Project and Kaua'i Planning and Action Alliance, so I know you have good administrative skills, and I have known your sister Jen almost since she arrived. The question I am going to ask that did not get listed in your biography, and am I remembering correctly that your family has a history of running hospitals, is that right? Or healthcare somehow.

Ms. Luck: Yes, my dad was in hospital administration and several members of my family work in hospital, Information Technology (IT), medical sales, and things like that.

Councilmember Cowden: I looked you up on the internet at that time, so did you have anything to do with that? I think it was Jen who told me some things, do you have any learning experience, because it seems like at the level that they were doing things, it would probably give you a holistic approach when you grow up with knowledge like we heard from Trevor who grew up with knowledge in the construction industry, and it seems to me that you would have grown up in pretty ensconced in administration at a high level, I might have gotten that more from Jen, because I remember looking, but she was working with the boards and all of that.

Ms. Luck: Oh, yes. It is interesting to hear that perspective of the competing cost pressures in the healthcare system, dealing with insurance, dealing with the way our system is set up, and the incentives that are in

play there. Yes, it is not something that I have a lot of experience in, or I would say feel comfortable contributing in that area.

Councilmember Cowden: Okay. I do not know if you watched our last meeting when we interviewed two (2) other people, but the Chair brought up some very important County Code that I thought was important and I do not know if you had seen that, or if that had been shared with you by Ellen Ching about the role of the Cost Control Commission, did you get that background, or did you see any of that footage?

Ms. Luck: I have not, no.

Council Chair Rapozo: That is a good sign that you are not watching the Council Meetings every week.

Ms. Luck: I watch some of them, I try to catch them when I can.

Council Chair Rapozo: Basically, I read the Charter, and the Charter is very clear, and the Commission's sole function is to find areas in government that the cost can be reduced. It is exactly what it is, the Cost Control Commission, and the powers of this Commission are very strong, it is actually one of the stronger and most powerful commissions, because this Commission has the ability when you do your due diligence every year you will send a report of your recommendations, those recommendations end up here on this floor in the form of a legislative bill, and the Administration or the Council does not have an opportunity to say "no." So, if the Cost Control Commission believes that we are duplicating services, or we have services that the Commission feels the County should not be providing, that comes here in a form of a bill, then it will be debated on the floor whether or not we move forward or not, so unlike any other commission, every other commission has the Administration or the Council can say "no," we are not going to hear it, we are not going to put it on the agenda, but in the Cost Control Commission that is not an option, it will be here, and within a specific timeframe. It is very powerful, you folks have the ability to secure any documents you want without a subpoena, so it is very important, and in my opinion can be a very productive part of our County budgeting process. I appreciate you stepping up.

Ms. Luck: Thank you for the insight, and it is good to know that the recommendations are always at least heard by the Council.

Councilmember DeCosta: I had a clarifying question. This has nothing to do with your abilities, your impressive degrees, but you mentioned something about Santa Cruz, did you grow up in Santa Cruz, or did you spend some time in Santa Cruz?

Ms. Luck: Oh, Santa Barbara.

Councilmember DeCosta: Did you ride that big wooden rollercoaster they have in Santa Cruz?

Councilmember Cowden: Santa Barbara.

Ms. Luck: Santa Barbara, no, I have not.

Councilmember DeCosta: I was just "picking" your brain. Thank you for clarifying that.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: In the spirit of tax season, I will ask this question, and I will start with my opinion. When I fill out any form I check democrat, I am starting to lose faith to be honest, I just read that the national deficit for 2023 is one trillion one hundred billion dollars (\$1,100,000,000,000) for our Federal government. Do you know how many zeros that is? It is twelve (12) zeros after the one (1), that is just incredible. My wife and I have to pay a lot every year, we have to pay again this year, so how do working families pay so much in Federal taxes, and we end up with a budget that is one trillion one hundred billion dollars (\$1,100,000,000,000) over budget? Are you concerned as well like I am about our Federal government?

Ms. Luck: I do not know what bearing my philosophy on Federal spending has on the Cost Control Commission.

Councilmember Kagawa: True.

Ms. Luck: I will note that you began with remarking that you vote democratic.

Councilmember Kagawa: Well, I will check the box when I fill out the form, but I am losing faith, I do not want to be a party that is one trillion one hundred billion dollars (\$1,100,000,000,000) over budget, I feel like it is heading for doom.

Ms. Luck: It is something that both parties have been criticized for, so I do not think it is solely something that is a democratic or republican problem.

Council Chair Rapozo: Good answer, girl, you got it.

Councilmember Kagawa: I wanted to ask a tough question.

Council Chair Rapozo: Yes, I guess, it is almost as tough as the wooden box rollercoaster we heard earlier. Go ahead, Councilmember DeCosta.

Councilmember DeCosta: I have a follow-up, not a Federal question, but I will make it a little easier, and make it into a State question. I know the County does not mix with State entities and the way we spend our money as a State. We were talking about cutting the deficit, trimming our deficit here in Hawai'i, we do have a deficit here. Recently, we had to allocate funding in the State

to eradicate wild cattle and wild pigs on Hawai'i Island, it was a State issue of five million dollars (\$5,000,000). Social media and a lot of our community from across the islands are tightly connected local gatherers, and hunters do not believe the State needs to spend that money as there many harvesters and hunters who can take care of the problem. You mentioned that you are an environmentalist, that was one of the words that Ellen mentioned. I was concerned, I know the County does not have any jurisdiction over any type of animal control, it is a State issue, but what are your feelings here? What are your feelings about our wild animals that are a food source on the island, and if there is too much or too little, do you have a concern?

Ms. Luck: About wildlife and...

Councilmember DeCosta: Coexisting with the environment.

Council Chair Rapozo: I try to be very lenient on this Council as the Chair, but I am going to just say that we need to focus the questions on the Cost Control Commission.

Ms. Luck: I know the County does have to put some money towards population control for cats and other animals that are seen as a nuisance like the goats and things, but again, as I understand it, my purview.

Councilmember DeCosta: Sorry.

Ms. Luck: I would look at those programs and make sure that they are...

Councilmember DeCosta: I am just trying to get to know her a little bit more. That is fine.

Ms. Luck: ...efficient.

Council Chair Rapozo: I will put it in context, if the Cost Control Commission discovered that the County was paying five hundred thousand dollars (\$500,000) to produce these chickens that can lay colored eggs for Easter, then that is something you would identify, and say that is not within...

Ms. Luck: Yes, I think you have to look at the cost and the benefits of each spending item, of each program, and say, "Is it worth the money? Are we getting the best value for money? Who are we hiring to do the work? What is the objective?"

Councilmember DeCosta: Chair, if you answer my question, in my defense, I was making a point. We spend a lot of money on the feral cats and on rehabilitating with the Humane Society. We have four hundred thousand dollars (\$400,000) to give per year for the birds with the lights, so we do spend a lot of County money on environmental issues, and this is a concern, that is all.

Ms. Luck: Yes, and the Federal government tells you that you have to, right? Is my understanding, so that is endangered animals.

Councilmember DeCosta: That is one trillion one hundred billion dollars (\$1,100,000,000,000) in deficit, and we are still listening to them?

Council Chair Rapozo: I will say, once the Commission is in place, then the Councilmembers have the ability to submit requests to the Commission. We cannot tell you what to do, but we can definitely ask you to look into this program, this department, this expenditure, and I agree that some of the cost is not really necessary. Is it really necessary? That is the beauty of that Commission. Are there any other questions? Go ahead.

Councilmember Kagawa: I just want to clarify, the national deficit is over thirty trillion dollars (\$30,000,000,000,000).

Councilmember Cowden: Yes.

Councilmember Kagawa: Trillion. The deficit for this past year was one trillion one hundred billion dollars (\$1,100,000,000,000). That is the fact.

Council Chair Rapozo: Okay, moving on.

Ms. Luck: They do not have to balance their budget, so it is pretty convenient for them.

Council Chair Rapozo: So wonderful. Are there any other questions for Ms. Luck? Thank you very much.

Ms. Luck: Thank you.

Council Chair Rapozo: Judge Hong is probably saying, "Holy moly." Judge Hong, you are front and center. He is like, "I do not know if I am ready." As long as you pass the door, then he will still want to be here. Ellen.

#### POLICE COMMISSION:

- Walton D.Y. Hong – Term ending 12/31/2023

Ms. Ching: Ellen Ching, Boards & Commission Administrator. Walton is a city boy, he was born and raised in Honolulu and attended the University Lab School. He continued his education at University of Hawai'i Manoa earning a Bachelor's in Political Science and a minor in Economics. Upon his graduation, he took off to the University of California Law, San Francisco formerly University of California Hastings.

Armed with his law degree, Walton initially worked at the Office of the Attorney General's in Honolulu.

In 1972, Morris Shinsato, the author of our County Charter, became the County Attorney, leaving his private practice to George "Spike" Masuoka and Walton. They started the firm of Masuoka & Hong until 1988, when Mr. Masuoka was appointed as Judge of the Fifth Circuit Court.

Following Judge Masuoka's appointment, Walton continued the practice under Walton D.Y. Hong, A Law Corporation. Except for the years when Lorna Nishimitsu and Judge Michael Soong worked with him, Walton has maintained the practice as a solo practitioner.

Walton retired in December 2022, after a 53-year career in law, which also includes eighteen (18) years as a per diem judge. During his active career, what Walton is most proud of is his two (2) sons, Travis and Davin and his four (4) grandchildren, Olivia, Emma, Maile and Conner.

Travis lives on O'ahu and is a physician at Kapi'olani Medical Center for Women and Children specializing in Pediatric Emergency medicine and Davin lives in Virginia and is a "computer whiz" working for a government sponsored agency.

Walton and his wife, Mindy, love to travel to visit family and friends. He is also a "foodie" for all things Chinese. Walton's other passion is skiing. He has skied at Whistler in Vancouver, as well as Vail and Copper Mountain in Colorado. The most challenging trip was heli-skiing in British Columbia. A month ago, grandpa took the grandkids skiing, and learned that speed and age does not always go together well.

Although Walton has never served on a board or commission, having just retired only three (3) months ago, I am so grateful that Walton is willing to lend his very technical and professional knowledge to the Police Commission.

Council Chair Rapozo: Your Honor Judge Hong, that is one of the titles that do not go away even after you retire.

WALTON D.Y. HONG: I know, it feels awkward to be called that because I am no longer a judge, because I hit the age barrier of seventy (70) years old, as you know under the State Constitution. I appreciate your consideration and I am here to respond to any questions that you may have.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I have a simple one. I know your history and you are very easy; you are a jewel for us to have. When you were a judge, were you mostly civil or criminal?

Mr. Hong: I served as a per diem judge for both family and district court, so we handled some criminal cases of minor, misdemeanor type of cases, traffic, et cetera, and normal family court, gamut, divorces, protective orders, and the like.

Councilmember Cowden: In your career as an attorney, you have helped me before, you do civil cases, and construction, real estate, you do a lot of different things.

Mr. Hong: I had a very general practice. The two (2) areas I stayed away from were criminal law and family law for reasons I did not want to get involved in that area. Over the years, for a while I was very active representing clients and administrative law for the Planning Commission, as some of you may know, and I kind of wound down and said it is time for the other attorneys to carry the torch in this area, so I just kept it to a very general practice helping what I consider the...let me put it this way, towards the end, I considered myself as an old family doctor, someone who would take anything that came in, knew a little about everything, not a whole lot about any specialty, but knowing enough if you got into deep water, to pass it off to a specialists, but other than that, I had a general practice to try to assist the community as best I can.

Councilmember Cowden: Thank you. I will just make a comment that will be my ending comment.

Council Chair Rapozo: Okay.

Councilmember Cowden: I have a lot of confidence in you, and I think that as discernment, and a special angle of having been a judge, as long as I have gone to Police Commission meetings, I cannot recall having a judge on the Commission, so I think that is a real nice thing to be adding to the balance. I have confidence that your judgment will be good whether you did criminal law or not, and I have a sense that maybe it would give you a certain amount of neutrality. Thank you very much. I appreciate that you are doing this.

Mr. Hong: Thank you.

Council Chair Rapozo: Are there any other questions for the judge?  
I guess I should say for Mr. Hong.

Mr. Hong: This is a lot easier than I had expected.  
Thank you.

Council Chair Rapozo: Me too.

Councilmember Kagawa: Well, Council Chair Rapozo is not letting us talk about the Federal deficits.

Council Chair Rapozo: Are there any comments? I will just say, I have known Judge Hong for a long time, and I have seen him work in court, and like you said, he is a nice man, he is just a super nice man, very smart man, very...how do you say, that is your duty to zealously represent your client, like the lady sitting behind you, zealously represent your client, you do that quite well, but what I know about Mr. Hong is that he is fair. He is genuinely fair, and just a good human being, so thank you for stepping up, sir.

Councilmember Cowden: Can I make a comment to Ellen Ching?

Council Chair Rapozo: Go ahead.

Councilmember Cowden: I just want to acknowledge three (3) more really excellent candidates, and having worked with all of them, and a lot with Alice, too, even though she has only been here for three (3) years, excellent.

Council Chair Rapozo: Thank you, Ellen. Next item, please. Before we go forward, I would like to take item C 2023-82 out of the Consent Calendar, the Mayor is here to testify.

#### CONSENT CALENDAR:

C 2023-79 Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Andre N. Lister to the Cost Control Commission – Term ending 12/31/2023.

C 2023-80 Communication (03/02/2023) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Paul A. Pancho to the Cost Control Commission – Term ending 12/31/2023.

C 2023-81 Communication (03/15/2023) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2023 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended.

Councilmember Kualii moved to receive C 2023-79, C 2023-80, and C 2023-81 for the record, seconded by Councilmember Carvalho.

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

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

The motion to receive C 2023-79, C 2023-80, and C 2023-81 for the record, was then put, and unanimously carried.

Council Chair Rapozo: Can you read C 2023-82, please.

#### COMMUNICATIONS:

C 2023-82 Communication (04/06/2023) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Resolution Amending Resolution No. 2011-77, Draft 1, No. 2017-28, And No. 2022-36, Draft 1, Relating To The County Of Kaua'i Reserve Fund And Reserve Fund Policy, to amend the financial

policy of maintaining a Reserve Fund within the General Fund by reducing the target minimum of the previous year's General Fund revenues, as identified in the most recent Annual Comprehensive Financial Report (ACFR), from thirty percent (30%) to twenty-five percent (25%).

Councilmember Kualii moved to receive C 2023-82 for the record, seconded by Councilmember Cowden.

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

There being no objections, the rules were suspended.

DEREK S.K. KAWAKAMI, Mayor: Hello, Chair, Vice Chair, Councilmembers, and Council Services Staff. For the record, my name is Derek Kawakami, Mayor. Thank you for this opportunity to testify on the proposed Resolution. We appreciate and support the general intent, and after having a discussion, the Administration would appreciate having some time as this Resolution moves to Committee to come up with a proposal that I think will achieve what we are all trying to do, which is strike the right balance between revenue, expenses, and meeting the needs of our people. Chair, I am here for any questions.

Council Chair Rapozo: Thank you.

Mayor Kawakami: Thank you.

Council Chair Rapozo: Just for everyone's information, the Mayor and I did meet yesterday. We had a very good meeting, and when we get to the Resolution, we will have the discussion on the Resolution, but I did ask the Mayor if he wanted to come up and share. Basically, it is first draft, and the Mayor did ask for some time, as well as some of the Councilmembers, Councilmember Cowden, which I have absolutely no problem with. My plan for today is to have the discussion, share my proposal, and then have it go to Committee next week, and the Mayor and his team will put together some potential options or alternatives for us, then we will have that discussion, and it will go to full Council the week after that for the final vote on the Resolution. I just wanted to state that. Councilmember Cowden.

Councilmember Cowden: Thank you so much for the pre-meeting before the budget. I just want to honor that you did me right by things that I ask for made it on there, so I want to acknowledge that. Am I hearing correctly that some of this is up for discussion? Should I be sending you ideas in this next week? Because we are going to talk about it next week.

Council Chair Rapozo: Yes. The plan was, they were going to get their finance team together and send over something before next week. That was their date not mine, I did not push them. We could do this in two (2) weeks, but the Mayor...before next week we will have some options, variations or however, I am not sure what it will look like.

Councilmember Cowden: The question I was asking him, I appreciate your input, do you folks want to hear from us, or do we wait?

Mayor Kawakami: Councilmember, we always love hearing from Councilmembers. Our Administration takes the information, and we try our best to make sure that we craft something that I think hits the notes of the intent of the Council. I think in regards to the Resolution, we have no intent to make amendments to the Resolution, I think our intent is to provide information to give you folks a good snapshot of a path forward to striking the right balance. Of course, if you have ideas, we would love to hear the ideas, but I think in these next few days our budget team will be grinding away on taking a look at what the intent of the Resolution is, finding options to meet those needs, and then also being fully aware that the Reserve Policy is a well-intended policy. You take a look at the second page, it is there to fund disaster response, self-insurance provisions, and as we all know, more and more insurers are looking at municipalities, and counties, and saying, "Do we really want to be in this line of work?" Revenue volatility, we have had our Transient Accommodations Tax (TAT) taken away, other unfunded mandates as is explained in number four (4), and of course, affordable housing infrastructure, and beyond that it also helps with our bond rating, which is basically our credit score, so we can get low-interest rate loans to fund big projects like the upcoming landfill, so we would love to hear from you folks.

Councilmember Cowden: Okay. I really appreciated the surfing metaphor you made in your State of the County address, and I really appreciated your opening budget summary statement to the point where I honestly read pieces of that on the radio, because I was really encouraged. I am going to have a question in here, but I just want to say, where you talk about macroeconomics and the geopolitical situation, I think that lines up with the whole point in the reserve, and as Councilmember Kagawa has been talking about the thirty-one trillion dollar (\$31,000,000,000,000) debt, there is a lot going on. Am I understanding you correctly that you folks are being conscience that we may have volatile economics much beyond the islands, is that part of why you are really concerned about holding on to the thirty percent (30%)?

Mayor Kawakami: I think the discussion is open. Like I said, it is up for review as to what that number should be, because we are also very cognizant that people are suffering. There are many people that economically are barely making ends meet, some of them not making ends meet, and those would be what we consider the ALICE families, which are Asset Limited, Income Constrained, Employed, they are all working, so our job as elected officials is to take a look at policy, make adjustments as need be, but also we have to see things in the future that people are not necessarily paying attention to, we need to make fiscally responsible decisions. I think our budget team, working with the Council will come up with something that I think will attempt to strike that right balance between providing relief for our local families today, while making sure that future needs are met with the reserve fund.

Councilmember Cowden: Okay. I appreciate that, and I am enthusiastic to be having the conversation. *Mahalo*.

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

Mayor Kawakami: Thank you, Chair. Thank you, Council.

Council Chair Rapozo: Thank you for the time yesterday. Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. Is there any further discussion? Again, we will do the presentation, and I will share my proposal when we get to the Resolution.

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

The motion to receive 2023-82 for the record, was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2023-83 Communication (03/16/2023) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$74,067.00, 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 June 30, 2023 through September 30, 2023.

Councilmember Kualii moved to approve C 2023-83, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion? Are there any questions for the Office of the Prosecuting Attorney?

Councilmember Cowden: Yes. Can you just give a simple.

Council Chair Rapozo: Let me suspend the rules, and then go ahead.

Councilmember Cowden: This is basically what we do every year, right? Or are there changes?

There being no objections, the rules were suspended.

REBECCA V. LIKE, Prosecuting Attorney: Good morning, everyone. Rebecca Like, Prosecuting Attorney. Councilmember Cowden, in response to your question, these are the supplemental funds that will help support the YWCA's two (2) programs, and the Victim Witness Counselors for a three-month period. We have had a decrease in our Victims of Crime Act (VOCA) funding, and these funds will help. If you want more information about it, this is something that we typically do, it is not out of the ordinary, but our Victim Witness Director Storm Po'omaihealani is here to answer any additional questions.

Councilmember Cowden: Just wanted to thank you, Po'omai, and just because we have this opportunity when you are talking to the camera, can you tell people how to call or get help if they need. With the victim witness, and I am conscience for women and men, but very often when someone has been hurt, they can feel like they are the ones who become incarcerated, because they go to the shelter, so they have to leave whatever distant part of the island that they live on, and they are away from their children's school and everything else, and so oftentimes it might seem that they have to wait until this person has their court case, because they are usually released on bail. How does VOCA Expansion Project, the victim/witness, how are you able to help them, and how can they reach out for help? I am asking for me, but I am asking for them who are watching, or their friends who are watching.

STORM PO'OMAIHEALANI, Victim Witness Program Director: Storm Po'omaihealani, Victim Witness Program Director. They can call our direct Victim/ Witness line.

Councilmember Cowden: Which is?

Ms. Po'omaihealani: (808) 241-1898.

Councilmember Cowden: What would they expect? What happens when they call?

Ms. Po'omaihealani: We will keep them updated on the case status, we will call them after every hearing to provide updates on the case, explain the judicial process, provide short-term counseling, we accompany them to court.

Councilmember Cowden: At present there is no process to keep them away from having to hide while their assailant is free, they continue to stay hidden while the assailant stays free, but you give them dates where they might know, so it might only be three (3) months, four (4) months, a year, right? How long is it when someone has been hurt or beaten, how long do they have to hide? How long is it before there is some consequence for the assailant?

Ms. Po'omaihealani: For the case, it varies depending on the case if the defendant wants a trial right away or they want to resolve the case right away, it depends on the defendant and their attorney resolving the case.

Councilmember Cowden: So, in the meantime, that mother and children are removed from their world, they do not go to work, or whatever, what is typical?

Ms. Po'omaihealani: Typically, they will file a restraining order, and then they can return back to their home.

Councilmember Cowden: Does that typically keep them safe?

Ms. Po'omaihealani: Yes, majority of the time.

Councilmember Cowden: Okay. Later, I will ask the police a little bit more about that. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, I am fully in support. How much of this grant pays for all the services typically? Does the seventy-four thousand (\$74,000) cover most of the victim/witness needs throughout the year?

Ms. Po'omahealani: Yes, and we do distribute to the YWCA also, the family violent shelter, and the sex assault treatment program.

Councilmember Kagawa: Is there a matching requirement on this grant?

Ms. Po'omahealani: I believe it is twenty (20), but that was only required for the last Fiscal Year, so not this supplemental.

Councilmember Kagawa: Okay.

Council Chair Rapozo: Remember, this is only for three (3) months. This grant request is only for three (3) months.

Councilmember Kagawa: So, we do it three (3) months.

Council Chair Rapozo: This grant is available every year, but they are asking for supplemental.

Councilmember Kagawa: Okay, so it is in addition.

Council Chair Rapozo: Like an addition, yes.

Councilmember Kagawa: Alright, thank you.

Council Chair Rapozo: And everything is explained. Are there any other questions? Thank you very much. I can honestly say they do a great job. They work hard.

Councilmember Cowden: Yes, it is good that we have a certain boundary. It would be nice if there was a stronger boundary.

Council Chair Rapozo: Yes, I agree. Thank you. Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. The motion is to approve. Is there any further discussion? Seeing none.

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

The motion to approve C 2023-83 was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2023-84 Communication (03/22/2023) from the Housing Director, requesting Council approval of the indemnification provisions contained within Sections C-15 and C-36 of the Purchase Agreement to acquire a 24.209-acre parcel in Kilauea further identified at Lot II-A-2-B-4 of the Namahana Acres Subdivision, Tax Map Key (TMK) No. (4) 5-2-5-54. (The purchase price of \$4,500,000.00 will be paid in two (2) installments over a 6-month period: a \$2,000,000.00 payment in Fiscal Year (FY) 2022-2023 with funds previously approved by the Council (including \$1,000,000.00 of Federal American Rescue Plan funds), and a \$2,500,000.00 payment in FY 2023-2024 following Council approval of the FY 2023-2024 Operating and Capital Improvements Budgets.)

Councilmember Kualii moved to approve C 2023-84, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion? Is the Housing Agency here?

Councilmember Cowden: Yes.

There being no objections, the rules were suspended.

ADAM P. ROVERSI, Housing Director: *Aloha*, Chair and Councilmembers. Adam Roversi, Housing Director for the County. Before you is the Housing's request to approve the indemnification provisions and a purchase agreement to acquire just under twenty-five (25) acres for the gradual expansion of Kilauea Town Core, as well as the provision to pre-approve future funding that is required in the purchase agreement that is present before Council in the budget. It is worth noting that going all the way back to 2000, the General Plan called for the development of this area as affordable housing, and the gradual expansion of the Kilauea Town. It was also called for in the Kilauea Town Plan that was developed by the community and accepted by Council in 2006. Notably, the Council about a year ago, also approved the acquisition of the neighboring twenty-four (24) acre parcel via condemnation proceeding, which is ongoing, and is set for trial in July of this year, so with those two (2) parcels together, we will effectuate the community's desire in the 2006 Kilauea Town Plan to expand over that fifty (50) acre parcel. Much like our Lima Ola project, we envision it is as a gradual expansion over time not an immediate one-off project, developing primarily affordable housing, but responding to the community's desires through a community engagement process, and a charrette process to verify that the plans and desire set out in that 2006 community plan are still relevant, still meeting the needs of the community, so we will go through an engagement process with the community to refine that 2006 plan, update it, and proceed based on the direction that we get from the community.

Council Chair Rapozo: Thank you. I have a legal question, and I know you are an attorney, but we need to ask the County Attorney, because we are requesting indemnification on a project that is contingent on the approval of the budget, because there is a future funding component in here that is in our budget

that we are currently...I do not anticipate any issues with those moneys based on what we heard in the budget presentations, but what happens if we approve the indemnification, and for some reason that money that is in the 2023-2024 budget does not get approved?

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. You are essentially approving two (2) things, you are approving the indemnification, but you are also approving the purchase contract, which is the use of the future funds, so you would have to approve that now, and if you do approve that now, then you essentially bind yourself to approve it in the budget, as well.

Council Chair Rapozo: Okay, then that is a different story.

Mr. Bracken: If you do approve it, then you will have to...

Council Chair Rapozo: Then we "have to" approve it in the budget.

Mr. Bracken: You have to approve it in the budget.

Council Chair Rapozo: I have never seen that before. I have never ever seen that.

Mr. Bracken: Yes, you are binding yourself in the future.

Council Chair Rapozo: Okay, thank you.

Councilmember Cowden: I have a follow-up.

Council Chair Rapozo: Go ahead.

Mr. Roversi: Can I offer a related comment to that question?

Council Chair Rapozo: Sure.

Mr. Roversi: I want to note that there are sufficient funds in the Housing Development Fund currently, notwithstanding next year's budget to purchase this property. The reason that the acquisition period had been stretched out across fiscal years was to allow an extended period of time for due diligence and investigation of the property, and we had initially, when we were in discussion, it also solved some of the tax consequences for the seller, and also when we initially began this negotiation process to acquire this property, the condemnation proceeding had been scheduled for January on the other property, and we had planned the expenditure calendar with the assumption that we would have to come up with a significant amount of money this fiscal year for the condemnation property that ended up not happening, but this purchase agreement was still structured with the assumption that we would need that extra funding this fiscal year. This is the complicated way of saying that there is sufficient funding in the Housing Development Revolving Fund today for the entire acquisition.

Council Chair Rapozo: Okay. Again, I honestly do not anticipate it not getting through the budget, I just needed that clarification. Thank you.

Councilmember Cowden: I have a follow-up question. I remember that we had, I believe it was nine million dollars (\$9,000,000) out of the 2018 flood mitigation moneys from Kaua'i Emergency Management Agency (KEMA), or there was something for that, can we just use that money? All of that, and not have a problem.

Mr. Roversi: We still have the nine million dollars (\$9,000,000) in Community Development Block Grant (CDBG) Disaster Relief funding that was allocated to the County as a result of the 2018 flood.

Councilmember Cowden: That is right.

Mr. Roversi: It is our intention to utilize those nine million dollars (\$9,000,000) to develop a portion of this property for the infrastructure and vertical construction. The reason that we did not want to use the nine million dollars (\$9,000,000) for the acquisition of the property is because whatever project we utilize those Federal funds for, all of the Federal rules and regulations get attached to the project, so we did not want to burden the entire twenty-five (25) acre parcel that we are acquiring with these Federal rules and regulations. It is more acceptable to do a small project within the property that can satisfy those regulations, and that leaves the County and the community free to come up with a vision for the rest of the property that does not have to adhere to those specific Federal requirements.

Councilmember Cowden: Thank you. Chair and Adam, I am not sure who I am actually asking, am I hearing that when he has the money in the revolving fund, do we need to make an amendment to this? Somehow what he is doing, or we can say "yes" to it, and it is not a problem?

Council Chair Rapozo: By saying "yes" to this, we are approving a future budget item, the multi-year expense, so if we pass it today, then where that money comes from in the budget, we are going to have...and what I am hearing from Adam is that the funds are there.

Councilmember Cowden: So, we do not have to worry.

Council Chair Rapozo: Correct.

Mr. Roversi: It is also worth noting that last year Council passed an Ordinance that requires a specific percentage of real property tax to go to this fund, so there is a law saying that this will happen.

Council Chair Rapozo: Okay. Thank you. Councilmember DeCosta.

Councilmember DeCosta: I have a clarifying question. Adam, just for the community who is watching, so they understand when you design and

implement these strategic decisions for our properties that we are going to develop for the community. When you mentioned the nine million dollars (\$9,000,000) that was to be used on some of the smaller parcels, we did not want to be tied to all the Federal regulations, if we use it on the entire property, then we would have to do all low-income housing, am I correct in the Area Median Income (AMI) of sixty percent (60%)? Now, without that nine million dollars (\$9,000,000) being tied to the entire project, we are able to do other type of AMI housing like in the eighty percent (80%), one hundred percent (100%), or one hundred twenty percent (120%), tell me a little bit about that, so our community can understand.

Mr. Roversi: Correct. As an example, our vision at the Lima Ola project is to do some of the project for very low-income people, some of the project for workforce and median income people, so that we have a mixed income community. As a matter of policy, we think that is a healthier community, and that is our preliminary vision for the property in Kilauea, as well as the property in Waimea. We do not want to create fifty (50) acres of just very low-income housing, we want to create a mixed-income community, and serve a very wide range of our resident population.

Councilmember DeCosta: Thank you for that Adam.

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

Councilmember Cowden: I just have a comment.

Council Chair Rapozo: Okay, are there any more questions? Thank you, Adam. Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. Councilmember Cowden.

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

Councilmember Cowden: I wanted to thank him for giving such a robust packet of information, which by the way, I read it all, because I was a part of these meetings, and it was nice to reflect and see how this vision that is coming together is very much in alignment with what the community wants. Then, just to make the comment that Namahana Charter School, which is seventh (7<sup>th</sup>) through twelfth (12<sup>th</sup>) grades is now being planned, the same owner, is opening up land for that, so it would be directly across the street. I was happy that in our budget is getting the road going around, so it seems like we are having a nice package to work together. I am very excited about it, and it is part of my reality, because it is probably a quarter of a mile at most from where I live.

Council Chair Rapozo: Is there any further discussion?  
Councilmember Kualii:

Councilmember Kualii: I, too, want to thank our Housing Agency's Director, and everyone in the Administration responsible for helping move this forward. I think it is critically important that we have more affordable housing in

the town of Kīlauea, and if the County was not taking the lead in this way it would not be happening, so this is super important. Thank you so much.

Council Chair Rapozo: Thank you. Is there any further discussion?  
Councilmember DeCosta.

Councilmember DeCosta: I need to chime in on the housing developments across Kaua'i, we have three (3) major parcels and projects: Waimea 400, Lima Ola in 'Ele'ele, and Kīlauea. For the viewers out there who "smashed" this Council, not this one, but the prior Council, about our lack of public housing, there is quite a bit of public housing going forward, and it is because of strategic decisions that our Housing Director has put in to place—thank you for that Adam—and for the Council that allowed that budget process to happen, putting the funding behind it. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I am in full support, we need to do whatever we can for affordable housing, but Kīlauea area kind of scares me, I can just picture going out like "hot cakes" whether the price is four hundred fifty thousand dollars (\$450,000) or five hundred thousand dollars (\$500,000), and as soon as they have the opportunity to sell, I can see that doubling or tripling, and then what? Basically, it falls out of the affordable inventory. It is scary, the nature of North Shore, and to put in all the effort we can, and get it in their hands, but you cannot guarantee that it is going to last the way we intend, the taxpayers, whose moneys are being used to help subsidize is going to stay in perpetuity. I am just kind of concerned.

Councilmember Cowden: I have a little follow-up on that. Thank you for raising that concern, and as we have said over the four (4) years that I have been here, and I have stridently said, "One point three million dollars (\$1,300,000) at this point is a shack, and it is hard to find anything in the whole area that is less than a million dollars." So, what has happened in these two (2) years, Councilmember Kagawa, that I feel pretty confident in, and that is why I was happy reading through all of this is what the Housing Agency has done, because people are not able to really just resell those houses the way they were, and a lot of this will be rentals, so this will have a way of holding it, because there is almost no place for people to live, because we do not get paid enough, unlike Līhu'e, 'Ele'ele, the Westside where there is more abundance in the payroll from different employers. On the North Shore, there is very limited service industry jobs for the most part, and/or remote work, so that is people from somewhere else, so each place is important. I think the disparity between the payroll and the cost of the housing is so profound, so I am appreciating what the Housing Agency has been working on with the County Council for limiting the resale of these houses that we might be putting up.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I just wanted to follow-up on that. I appreciate the effort in the Kilauea community, and I have talked to numerous families there, so I am hoping that it can expand out to the families part of it. It is overdue, and I think we are setting it up in the right way, and the effort is there with the funding, so with the movement in this particular area, we are on the right track to provide housing for families out in the North Shore, Kilauea specifically. Like I said, numerous families have engaged in the conversations, as well, so that is another positive thing for me, so *mahalo* to the Housing Agency.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: I wanted to add too, that just look at the projects that we already have in place like Kealaula, the Pua Loke affordable rentals, Hā'upu Ridge, that we will have more of those types of programs that the County partners on with nonprofit affordable developers, and what have you, and the AMI requirements by United States Department of Housing and Urban Development (HUD), the long-term affordability requirements by this County, we can be assured that we will be adding something to Kilauea that does not exist now. Kilauea like all of our towns is getting overcrowded, because people are living in the extended garage, and in crowded conditions, so it will serve the community themselves, and they have been waiting for this for a long time. We are finally moving on some things, not fast enough, and not enough quantity, but we have to do what we can. I am confident that this will be helpful. Thank you, Chair.

Council Chair Rapozo: Is there any other discussion? If not, thank you, Adam. I was reading the 2004 Resolution, I was actually on the Council back then, that is how long ago, my God. It was a resolution establishing Council policy to acquire land for the development of affordable housing. Listen to this, this is again in 2004, "Whereas, housing prices on Kaua'i have reached record highs, the average price of a single family home has escalated from three hundred eighty-four thousand dollars (\$384,000) to five hundred six thousand dollars (\$506,000)," and that was eighteen (18) years ago, and now, it is a lot higher than that. Also, in this Resolution it said, "Be it further resolved that the affordable housing units..." and this is to Ross' point, "...are intended for long-term ownership, and will have imposed a 30-year buy-back provision." I do not even know if thirty (30) years is enough anymore, we need to be looking at perpetual affordability. We just had a meeting with Adam last week regarding some strategies that they are putting into place that are going to help us get to where we need to go. Thank you so much, again. Did Adam leave? Oh, he is there. Thank you very much. Is there any other discussion?

The motion to approve C 2023-84 was then put, and unanimously carried.

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

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

C 2023-85 Communication (03/30/2023) from the Chief of Police and Bryson M. Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting

Council approval to receive and expend Fiscal Year 2022 STOP Violence Against Women Act (VAWA) formula grant, in the amount of \$48,330.00, and to indemnify the State of Hawai'i Department of the Attorney General, project award No. 15JOVW-22-GG-00419-STOP, to continue to provide program support of Sexual Assault Nurse Examiners (SANE) program related to training and equipment needs, for the anticipated period of June 1, 2023 to May 31, 2024.

Councilmember Kualii moved to approve C 2023-85, seconded by Councilmember DeCosta.

Council Chair Rapozo: Gentlemen.

There being no objections, the rules were suspended.

PAUL N. APPLGATE, Acting Assistant Chief, Investigative Services Bureau: Good morning, Council Chair, Vice Chair, and Members of the Council. My name is Paul Applegate, I am the Acting Assistant Chief of Kaua'i Police Department (KPD), Investigative Services Bureau. I brought with me Acting Captain Kennison Nagahisa, as well as the Grant Administrator who is Lieutenant Morita. I want to thank you very much for putting this item on the agenda, it is a very important item that is a recurring grant to help continue to fund the Sexual Assault Nurse Examiners (SANE) program. It gives the latest training and equipment to help the SANE nurses, as well as the Sex Assault Detectives assigned to these cases to do the best investigation possible. With that, we will answer any questions you have.

Council Chair Rapozo: Thank you. Councilmember Cowden.

Councilmember Cowden: Thank you so much, Acting Assistant Chief Applegate. This money we looked at when we were going through the budget, these positions were dollar funded, so this is going to be supporting, because we were asking then about the funding, so this is the funding, and that is why they were dollar funded, is this paying for that or no?

Mr. Applegate: In the past, we had written a grant, we had higher grant awards in the past upwards of seventy-five thousand dollars (\$75,000), which was able to support the program in paying the nurses salaries on standby; however, with the continual decrease in funding, and right now it is at forty-eight thousand dollars (\$48,000).

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

Mr. Applegate: That amount cannot totally sustain the program as we have been since 2012, so that is money that the County did not have to pay; however, with the decrease in funding, we find that now we cannot support totally funding the salaries, as well as the training and equipment, so we are revising the application to just have this money support the training and equipment, which will be very useful, and the County will be paying for the salaries.

Councilmember Cowden: Will the supplemental budget look the same as what we saw, or will it look different?

Mr. Applegate: I am sorry, but I am not sure about that.

Councilmember Cowden: Okay, I will figure that out later. I just want to ask Captain Kennison, are you replacing Chris Calio? Is that your job function now?

KENNISON L. NAGAHISA, Lieutenant: Good morning, Council and Chair Rapozo. Acting Captain Kennison Nagahisa, Investigative Services Bureau. To answer your question, it is just succession, as you know Acting Chief (AC) Ponce is retiring at the end of this month, he is on leave, so Captain Applegate just moved up, and then, I am replacing the Captain.

Councilmember Cowden: Who is going to be replacing Chris Calio who focuses on sex assault?

Mr. Nagahisa: Lieutenant Morita filled his position.

Councilmember Cowden: Okay.

Mr. Nagahisa: He is the General Crimes Lieutenant right now.

Councilmember Cowden: Okay. Can I ask him a question?

Council Chair Rapozo: If it pertains to the grant not about the department. You can ask him anything that pertains to this grant or the SANE program.

Councilmember Cowden: Okay. The SANE program works with the YWCA, which would work with that VOCA grant, correct? The SANE program and the VOCA grant work closely together.

ANTHONY J.K. MORITA, Lieutenant: Good morning. For the record, I am Lieutenant Anthony Morita, Kaua'i Police. Thank you, Council, Chair, Councilmembers for this opportunity. KPD works closely with the YWCA in supplementing and supporting victims of sex abuse, sex assaults, and these grants work in partnership to help and support our program, so that we can provide what is necessary.

Councilmember Cowden: Typically, a YWCA member comes in there with the victim while they are in the SANE, they have a support person.

Mr. Morita: Yes. During the process we request a YWCA advocate to assist the victim as we assist the victim with the SANE examination process.

Councilmember Cowden: I will ask the question I was going to ask in a private meeting, because I want to make sure that we continue to push forward to where we appreciate success that the department has, a lot because of the SANE program, but just the time between the injury and maybe a conviction that I am worried about.

Council Chair Rapozo: I have a question, and it is a general question about the SANE program, because it sounds like you said the grant funding was being decreased, so the County was...I just want to make sure that our SANE program is fully funded, whether it is from grants, or it is from our General Fund. I do not think we had a real discussion during budget about the SANE program, we did have some about how they get paid an hour on standby, but I guess I am going to ask the three (3) of you, are we fully funded to make sure that the SANE program is at one hundred percent (100%)?

Mr. Applegate: I will answer that. With the current ask as well as the acceptance of this fund, the answer to that will be, yes.

Council Chair Rapozo: Okay. That is just one (1) program that is not a luxury. Okay. Councilmember DeCosta.

Councilmember DeCosta: I have a question on the sex assault nurse examiners since you mentioned it. I want to know; do you have a criteria that you use to hire the nurses? I know we have a nursing shortage across the country, but not on Kaua'i. For some reason Kaua'i does not have a nursing shortage. We have a nationally renowned program at Kaua'i Community College (KCC). These nurses come out of KCC with a certification that is nationally ranked. Yet, when they go to Wilcox Hospital, I believe they cannot get hired out of college, they need a year or two (2) of experience in the surgery department. Do you folks hire these nurse graduates right out of KCC as nurse examiners, or do they need certain criteria like Wilcox Hospital or other hospitals have entailed?

Mr. Applegate: Thank you for asking that question. As of right now, we have five (5) nurses on staff. We have six (6) positions allotted to this, we have five (5) right now, and all of them have extensive experience in nursing, some are retired, and this is not a full-time paid position, it is on-call, so it is really hard for someone who has a full-time job to be involved with this. We do have some that are full-time employees in nursing, but they usually would take the weekend, the day off shift, or night-time to be on-call. The criteria we look at is first of all, a very genuine interest in this work, it is not for everyone, it is a very specialized field and the nurses that we do have on, some of them have experience doing these types of exams in other places. I would say that we have not had someone who came right out of college to apply, so we would take it on a case-by-case.

Councilmember DeCosta: I think it would be a good internship program to work side-by-side with KCC and to provide our young nurses out of college a chance to get some experience maybe working with your experienced nurses.

Mr. Applegate: Never thought of that, that is a good idea.

Councilmember DeCosta: Thank you, Mr. Applegate.

Mr. Applegate: Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I do want to follow-up on a passion project for whoever works it, it does not pay enough for the most part. Can you help me, since we are renewing our SANE moneys, can you tell the public how they can get help from the Sex Assault Nurse Examiners, because when someone has, male or female, most are female, been traumatized often times they do not file a report, because they do not want to go to the hospital, they do not want to deal with it, can you tell them what they can expect? I cannot get the word out enough to help people understand the value of the program that Kaua'i Police Department offers, and why it makes such a difference.

Mr. Applegate: Thank you. I want to assure the public that these types of investigations are very specialized, and there is a lot of training that goes into this. From the time that someone reports the incident to the police all the way to the time of prosecution, they are treated with utmost respect and professionalism, and we use our partner agencies to assist, as Lieutenant Morita mentioned the YWCA, we also have other agencies that assist, it depends on the age of the victim. The most important thing is to report. There are two (2) things that happen, it can be a report or a nonreporting where the exam is done, and they do not have to actually go through the interview, we just want to have the evidence on-hand in case they change their mind later, but it is really important to report right away.

Councilmember Cowden: And it is female nurses, not in the hospital, at a special place in the KPD building, so they are not going to be engaging the public or anyone else, they walk in and they are safe whether they call dispatch, 9-1-1, or YWCA, they are going to go and get the service that is funded, it is not going to cost them anything, and calling right away is the best way to get well protected.

Mr. Applegate: That is correct.

Councilmember Cowden: Okay, thank you.

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

Councilmember Carvalho: In addition to training and equipment needs, what is the equipment part of it?

Mr. Morita: Things break down over time, and there are also advances in technology that helps our nurses. One of the needs that they

expressed while I was recently reassigned to this position, I have been here only about four (4) months, and “wow.” There are so many people that ask, “Please, we need this.” I am going to listen to their concern just like how you folks do to our community and see how we can make it happen. One of the recent requests was for a new digital camera system that is certified and can assist them in doing an examination more efficiently. I am not going to go into full details of it, but hands-free activation and whatnot that limits the trauma that affects the victim that is going through the procedure and the time it takes to conduct the overall process. For me, it is a no-brainer. Thank you so much for considering our request to accept these funds, it is so important, we are dollar conscious and everything costs money, we are all about cost control, and using the right resources for the right reasons without accepting these funds we cannot support our program which in turn we want to do whatever we can to support and help our community and our families—real important. We cannot make this happen without your decision, and without those who have offered us this opportunity as well. Thank you.

Councilmember Carvalho: I just wanted to make sure you have the right training and equipment, or if you need more, but that is good, thank you.

Mr. Morita: Part of the training offers the SANE nurses refresher training, they get to travel off-island or to the mainland to technical special national conferences and get more up-to-date on specific new types of training or technology, and laws. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: Deoxyribonucleic Acid (DNA) tests would be part of the equipment, right?

Mr. Applegate: Yes.

Councilmember Cowden: Yes, so that might not be evidence, necessarily anyone looking, but DNA tests which can help the assailant as much as the victim, because if the alleged assailant is not guilty, that DNA test is going to clear that assailant. Thank you for that. That is part of what purchasing is. I appreciate all that you do that reduces the secondary trauma of going in and making the report, because there is secondary trauma in having to talk about it, having to get looked at, everything. Deeply valuable program.

Council Chair Rapozo: Are there any other questions? That camera, is that going to be purchased? I sat in the demonstration a few months ago—that was incredible. I was told at the demonstration that they loaned the department the camera, and that the department could use it for a year and if you want it you can buy it, is that the camera you are talking about?

Mr. Morita: Yes.

Council Chair Rapozo: Is that going to be purchased?

Mr. Morita: It has been helping. We have been actively using it for cases.

Council Chair Rapozo: I was blown away.

Mr. Morita: It is a game changer.

Council Chair Rapozo: Game changer to say the least. So, that is going to be purchased?

Mr. Morita: Yes.

Council Chair Rapozo: Are the funds available for that?

Mr. Morita: That is our intent.

Council Chair Rapozo: Awesome. That thing was amazing. Again, I want to reiterate that I do not want this unit, and I think I speak for all these people here, to be worried about money, I want this unit, especially this unit to be concerned about, "Oh, my God, if we do not get this grant, we cannot do this, we cannot go to training." I am talking to you folks, and I am assuming you will take it back to the Chief. Do what you need to do to evaluate this program so it can be the best program we can have, then you let us know what the requirements are. It is that important. There are two (2) sides, there is a side that is so important that you talked about, Councilmember Cowden, about the importance that our victims feel comfortable. This camera, believe it or not, allows the victim to be touched less than the old-school, so that is huge, that is the big part, but the second part is this is the tool, this SANE investigation is what goes to court, and these folks are specially trained, so it is not something that we should be compromising on. Again, if anyone else objects, please let us know. We will make sure this SANE unit is at its maximum potential.

Councilmember Cowden: I want to one-up that, if you need more tell us, because I have heard from the SANE nurses repeatedly that they do not get enough, and when you get two hundred fifty dollars (\$250) an hour for that twenty-four (24) hours that you do not get called in or whatever that is, that is time that you cannot work, that is why you have to be retired or you have to be something else, and this is a traumatic job for them, because some of these victims are young children, so it is not an easy job, it is probably not a first nurse job, because you have to be a little "steeled" up. I consistently heard that it is underfunded, so I have been pushing for four (4) years to let you ask more if you need more. I think it is powerfully important.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: My question is crafted towards this grant. Mr. Applegate, you are an Acting Chief in this department.

Mr. Applegate: Acting Assistant Chief.

Councilmember DeCosta: Acting Assistant Chief in this department.

Mr. Applegate: Yes.

Councilmember DeCosta: How important is keeping an Assistant Chief in this department to ensure that it runs efficiently, treats client with professionalism, and makes sure that women feel safe? There was talk about a reorganization, and I am a little worried that we might touch this department, so tell me how important this Assistant Chief position in this department?

Council Chair Rapozo: I think with that one, we are going to have to have a separate discussion only because of the grant, it does not really touch the grant.

Councilmember DeCosta: But he is part of managing this grant, so I just want to know how important is that position with this grant.

Mr. Applegate: Councilmember, although I appreciate the question, I am not at liberty to answer that question at this time.

Councilmember Carvalho: Can I go back to my question?

Council Chair Rapozo: Yes.

Councilmember Carvalho: I just wanted to follow-up with what Chair and Councilmember Cowden said that equipment, to me, is very important that is why I asked that question, and if you need something more make sure you let us know, because I think this is a very critical area that needs continued support, and I want to make sure that you have the support of all of us. That is it. Thank you.

Mr. Applegate: Thank you.

Council Chair Rapozo: Not too often we ask people to tell us if you want more. I think we all know how delicate, and the experience of one (1) victim can change or deter, if it is a bad experience, the next victim from reporting, and what I saw that day was unbelievable, unreal.

Mr. Morita: If I may, before we leave, I just want to express my gratitude to our SANE nurses. They are definitely motivated and driven to take care of our community and those in need. KPD is very trauma care focused, so we can do this important job without their help, love, and expertise. I also want to thank Janine Rapozo, Candida Souza, Ken Shimonishi, Chief Raybuck, and Acting Assistant Chief Applegate, because without their recent efforts and trying to brainstorm an issue we had with funding, we were in a position where we did not have money to support the program, so brainstorming, quick thinking, quick actions, working together as a team, this is the result we have for funding we need at this time, so thank you for your support, as well.

Council Chair Rapozo: Again, we are here to tell you that should never be a concern—never. I do not care if it is mid-year, just send me an anonymous message, because I understand how departments work, but we do not know what we do not know, so you need to let us know.

Mr. Nagahisa: I want to make one quick closing comment. I want to show my thanks for your recognition and support for the SANE program. Councilmember Cowden brought up the process, I just wanted to touch on what Acting Assistant Chief said, everything is confidential, and it happens at the station. Basically, you meet a detective, then a YWCA advocate, and it happens all in our building, very private, I know a lot of victims have reservations, and also parents of juvenile victims, so that is a very important part. People do not know, right? It does not happen to you every day, so I just want to reiterate that it is really confidential and in-house. Thank you.

Councilmember Cowden: I just want to thank you on that, and even yesterday, I do a radio show and the Children's Justice Center was featured on my show, because young children are at risk and are hurt—any age. Thank you. Most people have no idea of this service that we offer, so I try wherever I can to push that forward.

Council Chair Rapozo: Are there any other questions?

Councilmember Kualii: I had one, not really a question, a discussion to share. I am no longer the Director of Operations with the YWCA, so I am comfortable with saying this, but I just want to express my support and everyone said how important this program is, that whatever funding you need not just for our part, but the part that we give to YWCA for what they do, because if we reduce their funding in any way, the bottom line is that it impacts the services that we provide to our constituents, so please do that as well, keep it fully funded.

Council Chair Rapozo: Thank you for that, that is a very important part, because one (1) does not work without the other, period. Thank you.

Mr. Applegate: Thank you.

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

BRUCE HART: For the record, Bruce Hart. I just want to offer my support as a member of the public for this program. I concur with everything the Councilmembers have stated, Acting Chief Applegate, and the other officers. There are more officers involved in this program than just the three (3) that are here. I also want to commend the nurses who come forward and take on this type of task. The emotional and mental trauma with the victims of these types of crimes experience does not end once they have reported it, so I am hopeful that other agencies other than just Kaua'i Police Department, I appreciate their stepping forward to follow-up with the victims and offer them support. In regard to Councilmember DeCosta's question that Acting Chief could not answer, I will

answer. Investigated Services Bureau (ISB) is a necessary bureau. It is something that I feel personally through my experiences with KPD, we cannot just consolidate into another bureau. It is not something that...let me say it this way, the function that ISB does is particular to the crimes that they investigate and how the Office of the Prosecuting Attorney (OPA) to prosecute, it is a specialized service. Sometime perhaps, the Acting Chief Applegate, or someone within KPD can present to you just what they do, it is not something everyone is able to do. The men and women of ISB have the experience not just the college training like you were all speaking about, but they have the experience and that is vital to being able to investigate, and then prosecute these types of crimes. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? Seeing none. I will call the meeting back to order. Is there any final discussion? Councilmember DeCosta.

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

Councilmember DeCosta: Again, I am going to try and stick to the grant and the grant funding, but we have to remember, camera is an equipment, and it all does not work unless people are managing the grant's so managing people is part of this discussion. I think I made myself very clear what I want to bring forth here is that when I look out into the crowd everyone has some type of hardware on. Councilmember Kualii always wears his *lei*, I tend to like to wear my rings, and I look out there and I see you three (3) gentlemen have hardware on your chest. I believe I counted from Assistant Acting Chief Applegate on your right shoulder you have quite a bit of medals, and I do not think you get that at Walmart. I think you earned those medals. So, you are serving that position, you know what you are doing, and I heard from all five (5) of your nurses when we went over to the round building when we had our ceremony that it is not only serving the women in need that makes them want that job, they specifically told me that it is you who are working with them. Of course, Chris Calio was the person at the time, that they feel very safe and family-oriented working with you. Why I brought this up? Is because I am concerned if we change the system that is working, it might not be as effective as it is now, and that is why I brought it up, and that is why I want Assistant Chief Applegate to be in that position, to hold this Investigation Bureau at the highest standards. Thank you for that.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: In the spirit of tax season, I have a "why" question, but I know that they probably could not answer it, but why do they do the grants to the dollar like forty-eight thousand thirty-seven dollars (\$48,037), why not just make it fifty thousand dollars (\$50,000) or sixty thousand dollars (\$60,000)? Because you give the implication like you are really concerned about every penny when you have a deficit of one trillion one hundred billion dollars (\$1,100,000,000,000) last year. It seems like bull shit (BS), the prosecuting grant was for seventy-four thousand sixty-seven dollars (\$74,067), why not just make it seventy-five thousand dollars (\$75,000)? Are you really concerned about

every dollar and penny with a one trillion one hundred billion dollar (\$1,100,000,000,000) deficit last year? It just baffles me. That is my last take on this, I am not going to talk about taxes anymore.

Council Chair Rapozo: Kagawa for Congress. That is an intriguing question, and now my head is like, "Yes, why?" Is there anyone else? Councilmember Cowden.

Councilmember Cowden: It is the fragment of a larger grant usually, that is why it has a number like that, maybe it started off as a million and it gets broken up into these different pieces. They are asking for the absolute remnant of what is there rather than rounding to the next lowest number.

Council Chair Rapozo: Is there any other discussion?

The motion to approve C 2023-85 was then put, and unanimously carried.

Council Chair Rapozo: The motion carried. We have a legal document; do you think we can finish in fifteen (15) minutes? Okay. Thank you. We will take a caption break in fifteen (15) minutes. With that, next item.

#### LEGAL DOCUMENT:

C 2023-86 Communication (03/23/2023) from the Housing Director, recommending Council approval of the terms and conditions, of a Right-of-Entry for historic survey and assessment purposes to determine suitability of State lands for affordable housing purposes and indemnification, between the County of Kaua'i and the State of Hawai'i, Department of Land and Natural Resources, situated at Tax Map Key (TMK) No. (4) 1-6-004:015, Waimea Town Lots, Waimea, Kaua'i, Hawai'i.

- Right-of-Entry

Councilmember Kualii moved to approve C 2023-86, seconded by Councilmember Carvalho.

There being no objections, the rules were suspended.

Mr. Roversi: *Aloha* again, Chair, and Councilmembers. Adam Roversi, Housing Director for the County. The right-of-entry agreement for this is a single-family lot on Alawai Road. The County received nine (9) lots via Executive Order (EO) from the State about a year and a half (1½) ago. This particular lot was left out of that collection, because at the time there was a lease agreement on the property. The lease is now no longer there, so the State is working through the process to also EO this lot to the County for an affordable housing development. Since it will take them a while to do the EO, and we already have a contract in place to do all of the survey work and the site investigation, we wanted to be able to add this lot into the studies that we are doing on the other nine (9) lots, that is why we have a right-of-entry agreement just because it could be done faster than the EO.

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

Councilmember Cowden: Just a small one. Yay. I looked up this lot on the map, I know where it is, are the other nine (9) lots adjacent or are they all over the place?

Mr. Roversi: They are scattered around the island. We have three (3) in Wailua, one (1) in Hanapēpē Heights, four (4) along the river in Hanapēpē, and two (2) in Waimea. One of the lots in Waimea is immediately next door to this lot, they use to be used together as part of an outdoor motor repair shop that has been defunct for a long time, so this is affectively just abandoned at the moment.

Councilmember Cowden: Okay, you and I talked about that one a couple of years ago when I was dealing with my houseless things.

Mr. Roversi: I believe so.

Councilmember Cowden: Yes, okay. Thank you.

Council Chair Rapozo: Are there any other questions for Adam? Thank you, Adam. Is there anyone in the audience wishing to testify? Seeing none.

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

The motion to approve C 2023-86 was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

#### CLAIMS:

C 2023-87 Communication (03/15/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Henry Y. Emura, for personal property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-88 Communication (03/23/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cheryl Almeida, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-89 Communication (03/28/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Harry Curtis Ritter, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-90 Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Phillys Patricia Antoine, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-91 Communication (03/30/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Susan Pang, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-87, C 2023-88, C 2023-89, C 2023-90, and C 2023-91 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Carvalho.

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

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

Councilmember Kagawa: I am just curious, and this does not have to be answered now, do we have a tally of all the vehicle claims over the past two (2) years or so, and how much has been awarded. I am just curious, because there is so much, and there could be a pothole, it could be a golf ball from Wailua cracking a glass. I just want to see what is our "batting average" I guess. Are we at ten percent (10%) or ninety percent (90%)?

Council Chair Rapozo: A lot of these are potholes, unfortunately.

Councilmember Kagawa: I am just curious.

Council Chair Rapozo: Or rubbish trucks. It is either a rubbish truck or a pothole. Yes, staff, do you have that question?

Councilmember Kagawa: Yes, if we can put in a request, then the next time maybe I can talk about it if we have another Council Meeting with five (5) more vehicle claims.

Council Chair Rapozo: Yes, we will.

Councilmember Kagawa: Thank you.

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

The motion to refer C 2023-87, C 2023-88, C 2023-89, C 2023-90, and C 2023-91 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

#### COMMITTEE REPORT:

#### FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

A report (No. CR-FED 2023-05) submitted by the Finance & Economic Development Committee, recommending that the following be Approved on second and final reading:

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

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

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

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

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

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

#### RESOLUTIONS:

Resolution No. 2023-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Andre N. Lister*)

Councilmember Kualii moved for adoption of Resolution No. 2023-34, seconded by Councilmember DeCosta.

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

Councilmember Kagawa: I just want to say that I am one hundred percent (100%) behind Andre, my man, I think he is the star of the most recent appointments. He brings youth and energy to a Commission that has not been in existence. He is exactly what we need, someone that is bright and new that can add some energy in there. Thank you.

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

Councilmember DeCosta: Smoked brisket, where is it?

Council Chair Rapozo: More headlines. Is there anyone else?

Councilmember Cowden: Thank you.

Council Chair Rapozo: Thank you very much. I appreciate you being here today. The motion is to approve, roll call.

The motion for adoption of Resolution No. 2023-34 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item, please.

Resolution No. 2023-35 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Paul A. Pancho*)

Councilmember Kualii moved for adoption of Resolution No. 2023-35, seconded by Councilmember Carvalho.

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

The motion for adoption of Resolution No. 2023-35 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: The motion carried. I think this is a good place to take a caption break, so we will be back in ten (10) minutes.

There being no objections, the meeting recessed at 10:24 a.m.

The meeting reconvened at 10:38 a.m., and proceeded as follows:

Council Chair Rapozo: Clerk, next item, please.

Resolution No. 2023-36 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2023 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

Councilmember Kualii moved for adoption of Resolution No. 2023-36, seconded by Councilmember Carvalho.

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

There being no objections, the rules were suspended.

Mr. Roversi: *Aloha*, Chair and Councilmembers. Adam Roversi, Housing Director for the County. The Resolution before you authorizes the Housing Agency to file our annual Community Development Block Grant (CDBG) Action Plan with HUD, which triggers the ability to release the funds for the selected projects for this 2023 project year. Just brief background, we get this funding around seven hundred thousand dollars (\$700,000) to seven hundred fifty thousand dollars (\$750,000) every year, and our CDBG Coordinator does an annual competitive application process. She puts a notice out to the community, we receive proposals, a team scores the proposals, and then selects projects that go from my office to the Office of the Mayor. Then ultimately to County Council for approval of the Action Plan. We have three (3) projects on the list this coming year, and we are asking for your approval.

Council Chair Rapozo: Can you go over each one if you do not mind? Just to give us a better understanding.

Mr. Roversi: Sure. The proposed projects this year, the first is doing Americans with Disabilities Act (ADA) improvements to group homes run by Mental Health Kōkua (MHK) for adults with serious mental illness, and that is an award of two hundred eighty-one thousand dollars (\$281,000), so the ADA improvements, widening doors, different bathroom facilities, and so forth.

Council Chair Rapozo: Multiple facilities around the island.

Mr. Roversi: Multiple group homes.

Council Chair Rapozo: Group homes.

Mr. Roversi: Yes. The other large grant this year is additional improvements to Kalena Park, which include repairing a rock wall, replacing the playground with new equipment, installing intergenerational exercise equipment, more seating, removing an existing fence, and the addition of bike racks. The Kalena Park renovations are just under two hundred sixty thousand dollars (\$260,000). Then, the third relatively smaller grant is to permanently affordable living. Thirty-five thousand dollars (\$35,000) to support staffing that is providing primarily financial counseling, homeownership literacy, et cetera to low- and moderate-income individuals to help place them primarily into Permanently Affordable Living (PAL) housing projects, but also potentially other housing, as well. Lastly, there is a section of the grant that simply funds the Housing Agency administrative costs and operations.

Council Chair Rapozo: Thank you. Are there any questions for Adam? Councilmember Kualii.

Councilmember Kualii: This Kalena Park renovations, the nonprofit is Na Lei Wili Area Health Education Center Incorporated, are they getting the grant, and then they are doing this work on our County park?

Mr. Roversi: That is my understanding. I would need to ask the Department of Parks & Recreation in here to ask exactly what their relationship is with this nonprofit, but presumably they have permission from the Department of Parks & Recreation to do this work in partnership with them.

Councilmember Kualii: Is this a nonprofit that will do work in other parks as well, or are they just a Lihu'e focused group?

Mr. Roversi: I would have to get back to you with more information.

Councilmember Kualii: Yes, you can just follow-up. My other question is MHK is two hundred eighty-one thousand dollars (\$281,000), then the third one, PAL is thirty-five thousand dollars (\$35,000), so what is the range of the grants? What is the low and what is the high?

Mr. Roversi: Each of the applicants notably, Mental Health Kōkua and Na Lei Wili Area Health Education Center requested significantly more than they were actually awarded. Their requests in their proposal were almost double the amount of funding that we were able to provide for them. We do our best to look at their proposals and if we do not have enough funding to give everyone what they are asking for, we try to give them an amount that is useful within the scope of their proposal if they can do part "A" of your proposal and save part "B" to another year. I apologize, I have already lost track of what your initial question was.

Councilmember Kualii: So you are obviously limited by the total amount of funding, and you said that you only have seven hundred thousand dollars (\$700,000) to seven hundred fifty thousand dollars (\$750,000) each year.

Mr. Roversi: Correct. Less the administrative cost of running the program.

Councilmember Kualii: That means if you had a really good proposal they could actually ask for all seven hundred fifty thousand dollars (\$750,000).

Mr. Roversi: Correct. We attempt to spread the funds to multiple organizations without breaking them up into such small amounts that we are giving out ten (10) awards, we just increase the administrative burden of tracking the funds, and the reporting requirements, and so forth.

Councilmember Kualii: Thank you.

Council Chair Rapozo: I asked staff to call the Department of Parks & Recreation, because I want to see the breakdown on the park project. That is a significant amount of money, so hopefully they can come here today, if not we can have them come next week.

Councilmember Cowden: I have one on the Kalena Park renovation, too. How soon would that be starting?

Mr. Roversi: I believe they have two (2) years to expend the funds once awarded.

Councilmember Cowden: Okay. When I hear it being a health education center as the nonprofit, I will just put it out there, but I have been getting complaints about the social atmosphere in the park again, where it had seemed like we really made a lot of progress, so the senior housing right there next to it, I hear they are feeling threatened by the park again. I am just wondering if this project will only be fixing things, or if there will be community activity if they are fixing it, do you know?

Mr. Roversi: I know they are for instance installing a *kūpuna* exercise area with specific exercise machines for senior citizens. Other than that, you would have to direct specific "park" questions to the Department of Parks & Recreation or to the nonprofit group themselves.

Councilmember Cowden: Okay.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: By chance, yesterday, I brought my granddaughter to Kalena Park. One word to describe it, "retched." Unless we take care of the homeless, we are going to have to take care of one in order to take care of the other. There are unsightly drawings on the playground equipment. My granddaughter is asking me, "Papa, what is that?" It is embarrassing. I hope we can fix it up, the maintenance part, and take care...it is not a place for the homeless if we are putting all this effort and money into making it a park where people can eat lunch, and older people can exercise. We need to get them out of there. Thank you.

Council Chair Rapozo: Hopefully, we can get the Department of Parks & Recreation in here, are they on their way? Okay. We will just hang on and when they come...are there any other questions for Adam? Thank you. Is there any public testimony?

Mr. Hart: For the record, Bruce Hart. I would just like to...Councilmember Kagawa's remarks, and I remember during the budget hearings, the question of the homeless come up, and I am not disparaging any of the programs over COVID-19 that the homeless could take up residence in the parks, but speaking as a member of this community, the parks are not a place for homelessness. It is not that I am not compassionate, I was homeless here on Kaua'i

for a quite a good number of years, both by necessity and by choice, because of the cost of housing, so I have an understanding of the homeless situation that not every Councilmember may have unless you were homeless. It is not all...it is a lifestyle that some choose for various reasons, but that does not grant them, the homeless of the houseless, the right to be able to take up residence in our parks, and then the people who are paying the taxes to support those parks, and it tends to isolate members of the community, they are intimidated to go and use the facilities of the parks. As I have said to other members of government, the housing, the homeless issue is not going to just go away. I think that the community should have an understanding that we are going to manage it to the best of our ability, we are going to do what we can for the homeless, the houseless, but we are also going to consider the people that live here, and that they pay taxes, and they are in support of this community, and that they volunteer that they live here. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? The Department of Parks & Recreation is on their way. I will call the meeting back to order. Is there any further discussion before the Department of Parks & Recreation comes in? Councilmember Kagawa.

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

Councilmember Kagawa: By no means, do not get me wrong that I am saying that the homeless do the graffiti, it is probably kids, but I think we need to have this part of mowing the grass, cleaning the toilet, looking at the playground and you see these pictures by these young artists, just get some whiteout or something to cover it up, just like I said, just like cleaning the toilet, mowing the grass—just check, because it is supposed to be some place special when you take your children or your grandchildren. If you leave those types of things, it is just like saying, "I give up." That is what it feels like to me. I just think that we should be doing a lot better, because we have made the park more active, people were playing pickleball yesterday, but it can be so much more if we take the regular maintenance that we need to do, and work with the homeless, maybe we can convince them that the pavilion is not their house, and let the public use it sometimes not only you folks. I think there is a way to convey that. Thank you.

Council Chair Rapozo: Councilmember DeCosta, then  
Councilmember Cowden.

Councilmember DeCosta: I want to chime in a little about Councilmember Kagawa. I said this before, and I will say it again, a small houseless agricultural park outside of Walmart and the airport, you have the papaya farmers who are houseless who have a tiny home, you have the banana farmers, and everyone has a constructive piece of responsibility, and they grow food, and they get to live in an off the grid shelter, and consolidate the ones that want to be somewhat successful, and give them some dignity. It can be done, it should be done, and I think that is the answer without putting a whole bunch of funding towards something that is only going to help twenty (20) people or forty (40) people, I think we could create a project like that. It is an off the grid agricultural housing

houseless project where you give them some farming responsibilities to be working, and I think we can grow food, sell it at the farmers market, and give these people a dignified little off the grid tiny home. Thank you.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I just have a little follow-up on that while we are waiting for the Department of Parks & Recreation. I appreciate what Councilmember DeCosta is envisioning and that we need to separate the people with this challenge from Kalena Park that is like an urban lunch park, and what I was more politely saying when we were getting complaints, is that it is the neighbors right there are feeling really intimidated by the community that has taken it over, and we just fixed that park up, so it is a brand-new repair. I was hoping when I see Na Lei Wili, which sounds to me like surrounding Wiliwili, I do not know what it really is, but that area health education center that maybe when they are doing the repairs when we repaired Kalena Park last time it was a community effort, and often when it is community effort rather than just a construction project you get greater level of ownership of the area, and it would fill the park with some good energy that might be pushing out an unwanted presence. Anyway, I appreciate what you are doing, and when we are just talking about this resolution, I support the use of it, and I think I know which administrator that might be with permanent affordable living, and an incredibly capable person, so thank you for putting this work together for doing that.

Council Chair Rapozo: You know the CDBG program was primarily for providing affordable housing.

Councilmember Cowden: Yes.

Council Chair Rapozo: Anti-poverty programs, community development, and not that Kalena Park...I am looking at this number two hundred fifty-nine thousand dollars (\$259,000) on a park that the community has really developed into a nice park, but as Ross just said, he was there yesterday. I am wondering, again, this is before I understand what Kalena Park renovations are, I am wondering why we would not be giving more money to permanent affordable living who focuses on affordable housing. Again, that is why I asked the Department of Parks & Recreation to be here, because I do not know what that is. It is about two hundred sixty thousand dollars (\$260,000), what more can we do at that park? What we do with that two hundred sixty thousand dollars (\$260,000) is it going to prevent what Ross' grandchild had to observe, and I think that is...anyway, I will suspend the rules. Thank you. I am sorry, I did not realize it was a parks project, I should have known, but the questions came up, so rather than defer this, let us try to get the answers today. Kalena Park renovations two hundred fifty-nine thousand dollars (\$259,000), maybe you can explain the project to us.

There being no objections, the rules were suspended.

PATRICK T. PORTER, Director of Parks & Recreation: Pat Porter, Director of Parks & Recreation. That one is basically going to be funneled to a nonprofit Na Lei Wili, which is Bev Brody's group. The main portion is to create multigenerational playground equipment there from seniors to youth, the whole range. I think some beautification too, so that is basically what it is for.

Council Chair Rapozo: When we put out these grants for all these, even the Mental Health Kōkua, PAL is pretty specific program director staffing, do we ask for a breakdown of how they intend to spend the money? I do not know if Adam said that this was less than they had actually asked for.

Mr. Roversi: Chair, Adam Roversi. I can give some...with the caveat that I am filling in for Kerrilyn Barros who is our CDBG Coordinator, and she knows more details about the program than I, but she is out of town at the moment, so I am the fill-in. But I do have some information about what the original requests were, and how they were cut down, and a couple of the proposals that were not accepted. For context, it is important to note that we often get proposals for very worthy projects that we cannot accept because of the particular Federal requirements on the scoring. One example is projects funded by the CDBG grants have to be able to satisfy certain area income requirements, so we could have a very worthy project, but if the surrounding residents do not meet certain income requirements, we would not be able to fund it, so we run into problems like that at times. One (1) applicant that did not receive funding this year was for Women In Need (WIN) for a housing project that requested four hundred fifty thousand dollars (\$450,000). Family Hale Ho'omalua Family Center requested two hundred ninety-two thousand dollars (\$292,000). I am getting a little sidetracked.

Council Chair Rapozo: You are saying these are the ones that did not...

Mr. Roversi: Mental Health Kōkua, which did receive an award, their actual request was five hundred fifty-four thousand dollars (\$554,000), but it was cut down as reflected in the amount. PAL received the full amount of what they asked for. They only asked for thirty-five thousand dollars (\$35,000), so that is what they were given, so we had five (5) applicants and were able to do three (3) awards. I do not have all the detailed scoring sheets, so I cannot tell you exactly why some...

Council Chair Rapozo: I was just curious when we accept these applications for the amounts that they are asking for, is it broken down by park equipment for eighty thousand dollars (\$80,000).

Mr. Roversi: They do provide detailed line item budgets, and a fairly in-depth proposal of what they are going to use the funds for.

Council Chair Rapozo: Got it.

Councilmember Cowden: I would think Women In Need and Family Life Center would be right on target with Housing and Urban Development, is this

a specified grant that is more ancillary projects. What makes WIN and Family Life Center...because they are the ones who are dealing directly with the communities that we are having objection to.

Mr. Roversi: I would have to ask Kerri to come in and fill you in on the specific reasons why those particular projects were disqualified. I imagine that they failed to meet some technical provision in the Federal guidelines that we have to follow when giving out these funds, but I do not know, I am just guessing.

Councilmember Cowden: Okay. Because in general, would WIN and Family Life Center qualify? There might be some little nuance, but I mean, this is not a HUD grant that is intended for ancillary things.

Mr. Roversi: Broadly speaking, yes, their nonprofit purposes would fit right in with what the CDBG grant does. It would depend on the specifics of the proposal and exactly what community it was located within, and those sorts of things. I do not have the answers handy to provide.

Councilmember Cowden: Okay. Thank you Chair for that important question.

Council Chair Rapozo: Go ahead, Councilmember Kualii.

Councilmember Kualii: Are eligible organizations that maybe have a good project that come and get funded, are they eligible to apply again year after year?

Mr. Roversi: Yes. Because our funding is limited, we often get a very good project, but we cannot give them enough money in one-year, so we advise them to break your proposal down into three (3) phases and come back again next year for phase two (2), and phase three (3), and phase four (4), so that regularly happens.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Is this time-sensitive?

Mr. Roversi: It is actually, there is a filing deadline for us to submit this to the Department of Housing and Urban Development.

Council Chair Rapozo: When?

Mr. Roversi: Again, that would be something that I would have to get from Kerri, but I think that it had to be at this Council Meeting. I think if we defer it to the 26<sup>th</sup>, I believe we could be at risk of missing our HUD deadline, but I would have to confirm that with her, she is out of town at the moment.

Council Chair Rapozo: I do not know why, this has always been a problem I have had every year that I have served on this Council; we got dropped the Resolution, and told we need to vote on it today. We have a question here that is a valid question, and I would really like to explore those other agencies that provide the services. Again, I know Bev Brody is going to kill me, but at the end of the day CDBG is for those purposes, not for park improvements, I guess is what I am trying to say. We can find money in our County budget to help Kalena Park, that is a County park, we can help in that way, but CDBG comes with a purpose, I just do not think park upgrades...if we did not have a homeless issue, houseless issue, a housing issue, then I would say, "Yes, let us use CDBG to upgrade our parks." But we have all these issues. We have agencies that are fulfilling like you said Councilmember Cowden, we have agencies that applied and got rejected. Go ahead.

Councilmember Cowden: Can I ask a process question? If we deferred this to the end of our meeting, and Adam went to call Kerri and find out, or went and looked, and then after our Executive Session could we make that determination then?

Council Chair Rapozo: I will leave it up to you. I do not know if in fact by the time...I guess the deadline is key, to find out when the deadline is. Staff, we need to send something over to the Administration that we need at least two (2) Council Meetings before we do resolutions—I do not want to be pressured, and now we are going to lose them if I vote "no" or if I defer it, we are going to lose the grant, I do not want to do that.

Councilmember Cowden: Director Roversi, if you had a half hour, could you make a phone call, or could you find out when the deadline exactly is, can you text someone and find out when the deadline is to make sure, is that possible?

Mr. Roversi: I can do my best. To clarify, you would like to know when the deadline is, so that we have an understanding of whether the decision-making has to take place today. Is there other information that you would like today at this meeting?

Councilmember Cowden: Yes, what I would like to know if you can get ahold of her, or if you could look in her notes, or even if you could call WIN, I am sure there is something of why Women In Need and Family Life Center were not chosen, because I know both of them are pretty much one hundred percent (100%) on target for our displaced people that are the problem. More than anything else you probably want a clear park rather than even a necessarily repainted park, or we could find the money somewhere else, so if you could ask her that, that is what I would like to know if we had a bit of time.

Council Chair Rapozo: I am trying to find it online. CDBG for Hawai'i. Go ahead, please.

Councilmember DeCosta: Mr. Porter, do you have this money already allocated with the scope of work for the park and the employees that we picked up, I

know we picked up a couple of extra employees in the Līhu'e Town Core area, is this already in the scope of work for this upcoming budget?

Mr. Porter: As far as maintenance.

Councilmember DeCosta: Yes.

Mr. Porter: Yes, this would be in the same footprint as the existing playground.

Councilmember DeCosta: If we do not get this funding then you would have to find funding from somewhere else to continue the maintenance in that area?

Mr. Porter: To create the multigenerational equipment, yes.

Councilmember DeCosta: Okay. I believe the Chair is making sure that this CDBG grant is for housing not for park renovations. Even if we find out from Mr. Roversi that the decision can be made or not need to be made, we are only going to solve the problem of whether we are going to lose the grant or get the grant before the day is over, not whether legally, we can use this money for park renovations versus housing.

Mr. Roversi: I can offer that the CDBG grant is for community beautification, for housing, for economic development, park improvements are clearly an allowable use of CDBG funds, and CDBG projects have been used multiple times in the past and approved by Councils for park improvements, fire station improvements, an array of things unrelated specifically to housing.

Council Chair Rapozo: Do not get me wrong, I am not saying it is not an allowable use, I am just saying that with the priorities we have today, and hearing the list of people that did not get it that provide that service, to me, the County cannot provide the services that Women In Need provide or that other agencies can provide. We should be able to provide what this grant is going to provide in a sense of an upgrade of a County park—that is our responsibility. Again, making more enemies than friends with this discussion, but at the end of the day, we have issues that we need to work on, and we have an opportunity to tap some Federal money. Is there anyone else? Councilmember Kagawa, I am sorry, I have you down here.

Councilmember Kagawa: I think if there is even a question of jeopardizing the funding, I am ready to support. This is an unusual year where Councilmember DeCosta found eleven million dollars (\$11,000,000). Regardless, I think some of these improvements would be good for the park, there are *kūpuna* who live there, the elderly housing, Bev folks are trying to address some of what they see as their needs, so it would be close by, but again, one is not going to work without the other. I am sure the communications can take place with the group that is living there, just tell them, "During the day, this park is for everyone. You

being in this pavilion with your friends the whole day is not fair." I think that kind of conversation can take place and can work. That is all local folks there. Kapa'a boys, just need to let them know, and then, we take the steps to upkeep the park. Every time we make improvements, they have a big event, and it looks so beautiful, there are no homeless, then after it ends up how it was. It is a homelessness problem. Mel is correct, no sense you make it nice and put lipstick, then it is not going to work.

Mr. Roversi: Chair, I am trying to get some answers for you with text messaging as we are sitting here.

Council Chair Rapozo: Jade looked it up on the County website, and it is May 15<sup>th</sup> according to what she found on Kaua'i.gov. That means we do have time. Councilmember Bulosan.

Councilmember Bulosan: I have more discussion than questions for them, so I will just wait.

Council Chair Rapozo: Are there any more questions?

Councilmember Kualii: I do.

Council Chair Rapozo: Go ahead.

Councilmember Kualii: Adam, with all this discussion, what comes to mind is what is the process and has it always been the same? I hear a lot of discussion almost like the Council wanting to pick and choose who gets the grant, so I want to know how it is set up with the County and CDBG. You would not get this amount of money every year, and you need to tell them how you are spending it?

Mr. Roversi: I believe so. We go through public notices, and series of public meetings to inform the community about the availability of funds. They have time periods to submit their proposals, we have an evaluation committee that scores the proposals based on the Federal regulations, which Kerri could tell you more about than I am able to, as to why things are sometimes disqualified. I noted those income requirements for the area that is one thing that I am aware of. The selection committee comes up with a group of projects, which they recommend to the Office of the Mayor, the Office of the Mayor approves or disapproves of the recommendation, then with the Mayor's approval the resolution encompassing the selected projects is sent to Council, and we might have to ask the County Attorney for advice on exactly what the Council's role is in that approval.

Council Chair Rapozo: The Council's role is very simple, we either say "yes," or we say "no." That is the Council's role. The thing is, and I do not know, Jade, correct me if I am wrong, I always thought we had opportunities where we discuss the projects, the Council did, we actually had presentations come up, and we would have an opportunity to discuss with the Administration not the organizations, and the Council had some opportunities to chime in, and I think if we had done that we would not be here today. Go ahead.

Councilmember Kualii: Finishing my question, when you talk about the community, each of these requests are initiated by the community. So, Na Lei Wili Area Health Education Center Incorporated is a nonprofit in the community that wanted to do this work in our park.

Mr. Roversi: Correct.

Councilmember Kualii: So, it was not our park that put this forward.

Mr. Roversi: I believe that is the case.

Councilmember Kualii: Okay. When you talk about an evaluation committee and then, you also called it a selection committee, is that the same committee?

Mr. Roversi: Correct.

Councilmember Kualii: Who sits on that committee? Is it the community?

Mr. Roversi: No, it is County staff. Kerrilyn Barros, our CDBG Project Coordinator is the primary entity, and to be blunt, I do not know, it changes each year. She puts together the selection committee from County staff in different departments, as well as the Housing Agency.

Councilmember Kualii: Okay. I think if they do not have a formula necessarily that says, you take this seven hundred fifty thousand dollars (\$750,000) and you put fifty percent (50%) towards non-County connected projects, because even though this Kalena Park is coming from the community, it is in a County park, so if we are putting resources into a County area the public might say, if it is County people making the decision they are going to put it to their projects, because they believe it is important, right? Unless we have some sort of formula that says half of it has to go to projects that are not on County property, do you know what I mean? There is not any kind of formula breakdown of a percentage to projects on County property versus projects not on County property.

Mr. Roversi: It is my understanding that there are no Federal rules about distinguishing between private versus governmental projects. There are some categorical regulations that Kerri could tell you more about. For example, only a certain amount of funding can be spent on services versus facilities, so there are different categorizations within the Federal rules about how the money can be allocated for those sorts of things by percentage of the total, but I cannot tell you off the top of my head without confirming with Kerri.

Councilmember Kualii: My last question would be, so even if there was not Federal rules or guidelines along those lines, there is nothing that prevents this Council from making a County rule to help guide the committee and how they are allocating the dollars.

Mr. Roversi: I would have to get back to you on that.

Councilmember Kualii: Yes, please do. Thank you, Chair.

Council Chair Rapozo: Are there any other questions? I am not sure, based on the website May 15<sup>th</sup> is the date that would give us time if you folks wanted the time. I am not sure how that would make a difference. I thought the community was part of the scoring selection, if it is the County, Councilmember Kualii makes a really good point about the County picking the projects that the County will benefit from.

Councilmember Kualii: Not my belief, but that people in the community...

Council Chair Rapozo: That is the perception, I am not saying that is what happened, I am just saying that is the perception, and you have these other agencies that have made legitimate applications, and for whatever reason did not make the cut, I am just curious to know why they did not make the cut, what made them disqualified? Anyway, are there any more questions? If not, I will release them.

Councilmember Cowden: I have one.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: If we had this in a Committee Meeting next week will Kerri be back?

Mr. Roversi: I believe so.

Councilmember Cowden: Is it appropriate to put it in a Committee Meeting?

Council Chair Rapozo: Yes.

Councilmember Cowden: Okay, I am not making a deferral, but I am just putting it on the table that I have an interest in having that conversation next week, though I have no bad feelings towards anything that is on here.

Council Chair Rapozo: Me neither. Honestly, if not for knowing or hearing from the agencies that did not get picked, we would not be having this discussion. Are there any other questions? Go ahead.

Councilmember DeCosta: Again, I have to support it, I am Vice Chair, Councilmember Bulosan you are Chair, so this is our department, I want to ask my department head, you have what you need for Kalena Park if in case this grant does not go through, can you get some kind of funding to keep Kalena Park at least respectfully cared for and the amenities that we have there are in use? Tell me a little, I want to be able to support you, Mr. Porter.

Mr. Porter: We have the resources we need to maintain the park as-is. This grant would improve the park and add multigenerational playground equipment.

Councilmember DeCosta: Like pickleball that we talked about the court would be put in place.

Mr. Porter: This would be an actual playground for seniors to youth, so it would have equipment for seniors to do exercises and things like that, but also have the youth component, too, and in between. That is what a big portion of this is for.

Council Chair Rapozo: Pat, before you walked in Councilmember Kagawa shared his experience about going to that park yesterday, and the graffiti, dirt, and we just went through budget, and talked about the parks and there is a new crew who takes care of Līhu'e Town Core, which is my concern. You can put all the tools and toys in there if you like, but we do not have the resources to make sure that it is clean and safe for our kids and *kūpuna*—that is where I am hung up right now. It is a fabulous park. That park, compared to what it used to be, is amazing, but it is also, like what Councilmember Kagawa said, becomes a haven for homeless and houseless that have basically taken it over. My question is, do we even have the resources? So, the more you put into the park, the more maintenance it takes, and I do not want to hear volunteers are going to clean them, because I heard that about the bike path, and that is rubbish. They will do what they can, but we cannot rely on them.

Mr. Porter: Just to clarify, we do have a new central beautification crew, which does Rice Street, but it is the beautification, actual Kalena Park is a park, so it is still under the park caretakers.

Council Chair Rapozo: So, it is not the beautification.

Mr. Porter: There are different union issues on that. The beautification crew is the Administrative...

Council Chair Rapozo: Can you get the parks or whoever is in charge to paint those things?

Mr. Porter: Yes, I will tell them.

Council Chair Rapozo: His granddaughter is asking him, "Papa, what is that?" And I know what he is referring to, and it is not a good thing.

Mr. Porter: Is it in the comfort station or pavilion?

Councilmember Kagawa: On the playground equipment.

Mr. Porter: Okay.

Council Chair Rapozo: And we are talking about adding more playground equipment, more canvases for these artists. Councilmember Bulosan.

Councilmember Bulosan: Discussion? I do not have any questions.

Council Chair Rapozo: Are there any more questions?

Councilmember Cowden: I have a very short one. The playground equipment, is it like what we put in Princeville, Prince Albert Park, the elderly, have you seen that up there?

Mr. Porter: I have not seen that one.

Councilmember Cowden: Okay. We did a big project out there, it was a private project with American Association of Retired Persons (AARP) funding.

Mr. Porter: I am sure it is probably close.

Councilmember Cowden: We did a senior playground up there, I just wondered if it was something similar.

Mr. Porter: I am sure it will be really similar to that.

Council Chair Rapozo: Thank you. Questions?

Councilmember Kagawa: Pat, is it helpful if Bev folks get the grant that maybe they can be their own "hammer" and try to get those regulars to at least during the day to clear out for the public, and then at night if there is not anyone present, then they can go back. Does it work that way or better for our Park Rangers to try? I know there is no easy way, but to try. I think it can be done. I think it can be done where we let them know during the day this is for the public.

Mr. Porter: Yes.

Councilmember Kagawa: We need a "hammer." So, I am wondering, maybe if Bev is going to get the grant maybe they can develop the "hammer" or something.

Mr. Porter: I would not say a "hammer." I think building a relationship with them, and probably going that route with the nonprofit. As far as laying down the "hammer," I think leaving that up to law enforcement would be better but building that relationship with them.

Councilmember Kagawa: I think of myself as the "hammer." Just kidding.

Council Chair Rapozo: Kagawa for Park Ranger. Thank you, folks. Is there anyone in the audience wishing to testify? Seeing none. I will call the meeting back to order. Councilmember Bulosan, with your patience.

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

Councilmember Bulosan: I just wanted to wait until discussion because I did not want to hold up these folks. Overall, I am in support of this Resolution for all three (3) projects that have been chosen by the Selection Committee. I appreciate the conversation around Kalena Park because it is a lot of money. Just historically, being born and raised in this area, and being part of that program for the last eight (8) years of all the things that has happened on Rice Street, Kalena Park is battleground number one (1), that is the battleground spot for the community for the last twenty-five (25) years. We have won that battle the last seven (7) years with the improvements that have been done, but the pandemic really exacerbated the challenges of houselessness and community support, and I truly believe this project that they are proposing, while I do not know the full details, I know is along the lines of what has been done. It is in the line of work that has been done to reclaim that space for the community, particularly because of what community surrounds it. Lihu'e Court Townhomes has well over fifty (50) low-income families that use that park, then you include Rice Camp, the two (2) apartments that are in there, and all the surrounding homes. Kalena Park is the community's park. The improvements that they are proposing through the nonprofit, that nonprofit and Get Fit Kaua'i, and several other nonprofits have been working super hard in reclaiming that park, so I think the reason why they are looking to do these improvements is to further the process of what that community has been asking for, especially the multigenerational piece, that is the emphasis in this project. The *kūpuna* there do not have a place to do the exercise and reclaiming that space, and where we will in that community in that park is use.

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

Councilmember Bulosan: The more we get to use it, when the regular people, and folks bringing your grandchildren is when *kūpuna* can come, that is the integration that moves that houseless community out of there—we have seen it, and I am sure Get Fit Kaua'i can provide some data on usage and how that changed. When I look at this as a project, I do not see it as only park improvements, it is actually community development in the essence of enabling the community to use that. I just want to add one more thing, which is that it is a problem in that area, and I know part of what this movement is with this project is the *kūpuna* housing, and Lihu'e Court Townhomes is trying to establish a neighborhood watch in that area, so this will actually make it more safe for *kūpuna* to use that park and be able to do the community work to make sure that place is safe. I do not have any particular involvement in this, in the past I have a lot of involvement, and I think this is a good one to support.

Council Chair Rapozo: Thank you. Councilmember Carvalho.

Councilmember Carvalho: Yes, I, have also been involved in Kalena Park from day-one, and it is transiting to a place where it is a place for all.

*(Councilmember DeCosta was noted as present.)*

Councilmember Carvalho: It is centrally located. I will support the Resolution. I feel like the funding is there, they do qualify for this funding. The community is the whole difference here. I know there are some flaws that I believe we can manage and get better and work with the Department of Parks & Recreation on the flaws, but the overall intent of that park and how far it has come and is moving in the right direction, we have a community group willing to continue to oversee it, we need to work with the group and say, "Let us work together." Now, with the housing like how Councilmember Bulosan...just that whole area is involved in a park that is centrally located in the town core that has come a long way, and we just need to keep moving, maybe we can look at it the next go around, but to me, it is time to move forward and support it, so that is where I am at.

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

Councilmember Kagawa: Thank you. From 2012 when I first got elected, I have been working on Kalena Park with the Mayor, with you, Chair, I was Parks & Recreation / Transportation Committee Chair, and have been dealing with the ups and downs of Kalena Park for a long time. Some of our information lead to drug busts, big ones that were successful, and we went through the opening and closing of the restroom—open, close, open, close—we went through a lot with that park, a lot of my attention has been on that park, and it always comes back to my original statement, one cannot work without the other, so that functioning park where the businesses are happy, their workers feel safe, it is difficult when you have homeless that believe that is their home, and I feel for them. If you could pick one (1) park, right there, you are walking distance to places to eat, you have Kalena's right there, go a little up the road, and you can pick up Rob's Good Times Grill. The thing is that is a perfect place for local homeless family to live, but the ups and downs of that park will never be successful until we solve or establish a clear working relationship with that homeless group to let them know what is acceptable and what is not acceptable for the benefit of all our taxpayers not just the homeless community. I think it is doable, but it is not easy. Councilmember Carvalho has known it since he was Mayor. We went through successes, and then it always came back because of the same reason. Thank you.

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

Councilmember Kualii: I wanted to follow-up further, and I want to see that we are maximizing our CDBG grant awards, and when I was talking about the percentage, I just looked at how these numbers breakdown, and I see that the Administration is twenty percent (20%) of the seven hundred nineteen thousand dollars (\$719,000), so that is probably by formula that we cannot take more than twenty percent (20%) for the Administration, but the other two (2) categories, public facilities and improvements, and public services. Public facilities and improvements is seventy-five percent (75%) total, which is thirty-nine percent (39%) for the MHK, and thirty-six percent (36%) for Kalena Park. Then, the public services is for the Kaua'i Police Activities League (KPAL) amount is only four point eight percent (4.8%). So, if you were to associate the Kalena Park renovations with

the County because it is County property, and then the Administration amount that is fifty-six percent (56%), so it would be more than half of the total that is going to the County. I do not know, maybe we can look at a formula where at least half of the money goes to projects, not the County or outside of the County, and I will follow up on that. Thank you.

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

Councilmember Bulosan: I just wanted to comment on Councilmember Kualii's thought process. I appreciate that process and I agree with seeking that information. I will also add that the project is not Kalena Park, the project is the community, and it benefits the park, so I just want to put that forward, because the nonprofit that is doing the work, I do not want them to feel like they are just working for the County, they are working for the community, and I want to make sure that they know that. Whenever we get projects like this from the community, I do not want them to feel like they are not supported by the County, or they feel like they are only supported because it is on County property.

Councilmember Kualii: Just to clarify, all I am stating is that what Chair said earlier that for a project that is as important as this, we could fund it through county funds in our budget, so we would not have to use the CDBG money. Like Chair, and maybe some others, I would like to see more of our CDBG moneys helping with more housing just because we need it so badly, and it is just another small pot of money, but it can help the bigger purpose. So if we can fund a project like this in Kalena Park through our budget, it could even be CIP if it is over time, then there are other ways to work directly with the community, because we have that pot of money where community organizations who want to come into the park and help maintain it or do improvements, they can access those funds for the tools, equipment, paint, or whatever, and they put in the volunteer hours. So, there are a lot of ways to get this done, and maybe CDBG is not the best way.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I was just going to make a small comment of appreciation for Get Fit Kaua'i and I do not normally think of them with the other name, Na Lei Wili, but I just want to say it is an extraordinary group that has gone out of their way and I appreciate all of that. I like all that has been said. I am willing to go either way. I am hoping that Adam was able to text Kerri and find an answer, but it does not look like it. No, you have not gotten it.

Council Chair Rapozo: Based on the County website, our own website, the application deadline back to HUD is May 15<sup>th</sup>.

Councilmember Cowden: Okay.

Council Chair Rapozo: The problem is, what is the process for them to redo the project?

Councilmember Cowden: When we are still in the budget it might be something that we could take the money and put it into the parks piece, that is what I am saying, if there is a little time, it is not that I want to sideline this improvement to the park, if there were some money that we could grab from a different pocket and pay to improve the park and we are able to help WIN or Family Life Center, but if there is a clear reason why they cannot get it anyway, then why waste time if they cannot get it, but it seems like those two (2) organizations are one hundred percent (100%) on target for one (1) of our most stark problems.

Council Chair Rapozo: Again, that goes directly to my point of what you and Councilmember Kualii just said, that if this is a project that this County embraces then it should be in the CIP. It should be in the parks budget. Probably with CIP, but at least that way we as a Council would be able to see the breakdown and what we are getting, that is my biggest concern. For me, CDBG historically, yes, we built fire stations, we did things with that which were County assets, but it was things that we needed, and we could not afford. Cannot tell me we cannot afford two hundred fifty-nine thousand dollars (\$259,000) this year—that is all I am saying. CDBG should be for the housing.

Councilmember Cowden: I do not think I have heard anyone else on the table say they are willing to push it out a week. I do not want to force that, because I am not trying to take it away from the park. If there is someone else who backs that up, I can make that motion. If I do not see anyone else backing it up, I also support the Resolution as-is. I am not trying to make trouble, I am just trying to make it...if we can address more, then we can, and it would be great, and I am in agreement that the presence of people without housing can have a deterrent quality for the park that is intended for something else, so we need to be able to help them in some other way.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I just wanted to add to what was said about housing. CDBG, yes, and I clarified it, it does qualify, it does fall into that area to qualify for funding. For the housing part, although it is not housing, but that will support just housing nearby, it adds to the housing that is already there that we built and told them this is what it is going to be about for this particular park from *keiki to kūpuna*. The part that gets me is the maintenance part, which we need to get back to parks and get the information on whatever they need for that. That is where I am at with this. I just wanted to say that.

Councilmember Cowden: I think it is too bad that CAK happens, or whatever it is called, Adam would remember the coalition of these support groups, it happens right now, they are meeting right now, I have said to them, "Can you not meet them in here and listen?" Then, help us with our decisions, because we need their presence here if they need our support.

Council Chair Rapozo: Is there any further discussion?

Councilmember Kualii: I will just put my two cents out there. For me personally, I am okay with supporting this today, and if we want to, because we did have a lot of discussion about the process, we can have Kerri come before us in Committee and we could work out the process and see what kind of involvement and input we can have in that process.

Councilmember Cowden: Okay.

Council Chair Rapozo: Is there any further discussion? I will just say, and I do not say this for any other reason than to just make a point. Years ago when Kalena Park—Councilmember Carvalho you know this—Get Fit Kaua'i were looking at reviving the park and they could not get the funding. I introduced that funding, and I do not say that to brag or to take the credit, I did not do a social media post, I did not put a press release, and they did a heck of a job with those eighty thousand dollars (\$80,000). They turned that park around, so it is not that I do not like Kalena Park. Again, I know someone is going to write, "Kalena..." You are in my stable now, Hooser crushed you and me today about opposing the position for homeless coordinator, because he only read *The Garden Island Newspaper* he did not watch the meeting, but that is him, he has an obsession with me, I think he loves me, but now you are in the stable, so I feel better, but he took us out of context and misinformed the public again, but that is the perception when you speak up like this, people will say you are against Kalena Park—I am not against Kalena Park. I think Kalena Park is a gem for Līhu'e. Again, if you understand CDBG and what it really was intended to do, and we use that so many times when the County did not have money, tax money, revenue, General Excise (GE), now we have Transient Accommodations Tax (TAT), we have all these funds, we should be taking care of our County assets with our County funds. The CDBG funds, there are a lot of organizations out there that do-good work for our houseless, homeless, underprivileged, poverty, to me, that is CDBG, we use those funds. I hear the comments, I am not going to...let us just move this out, pass this out, we do not have to worry about...my concern is if we defer it or refer it and defer it in two (2) weeks, if in fact we decide we do not want that in there, I do not know if the Housing Agency will have enough time to replace that project with something else without a legal challenge from someone. I appreciate Councilmember Kualii's suggestion. Let us have the discussion with the Housing Agency, let us have the CDBG discussion going forward we can come up with a process that we should really take advantage of these funds for the purposes that I believe the Federal government's intent was. With that, the motion is to approve, roll call.

The motion for adoption of Resolution No. 2023-36 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

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

Council Chair Rapozo: Next item, please.

Resolution No. 2023-37 – RESOLUTION AMENDING RESOLUTION NO. 2011-77, DRAFT 1, NO. 2017-28, AND NO. 2022-36, DRAFT 1, RELATING TO THE COUNTY OF KAUAI RESERVE FUND AND RESERVE FUND POLICY

Councilmember Kualii moved for adoption of Resolution No. 2023-37, seconded by Councilmember Cowden.

Council Chair Rapozo: With that, let me just do a real quick, it is not even a presentation, but let me give you my reasoning for doing this. Again, my intent is to refer this to the committee. After the discussion, we can have it referred to the committee next week, and then as you heard the Mayor, we will be working with the Administration to come up with what we believe is a balanced approach. Anyway, I am just going to pass this out, there is a chart on the screen. There are a lot of copies here.

Councilmember Kagawa: Better than not having enough.

Council Chair Rapozo: Maybe this was for the public, I am not sure. We got the budget, the budget came across with a ten percent (10%) property tax rate reduction for Residential and Homestead, which is owner-occupant, and we appreciated that. As we went through the budget, there is a lot of resources this year, and you have to give the Administration credit for taking care of some of our debt, paying down debt, the Dwelling Unit Revolving Fund (DURF) loan, changing from leasing to purchasing outright, because we are in a fiscal position where we can actually do that, which saves the County a lot of money long-term, and I appreciate that. As I was thinking as I was going through the budget, I thought the reason why we are in this fiscal position is because number one (1) TAT, we have more TAT today than we had. Every time I talk about budget, I look at the former Mayor, because poor thing, he had to scrape, and now the TAT is much more than we used to get from the State. GET, we have these revenues that are coming in, but real property tax revenues. In every category the Real Property Tax Assessments went up, so we are in a fiscal situation or fiscal position today that allows us to take advantage of some of these budgetary measures that will benefit us in the long-term. I was always, even prior to the election, I always thought and was telling myself, we need to start looking at real property tax relief, because we are here because of the property taxpayers, we are in this financial position because of the taxes that we have collected. The Reserve Fund was a fund that I sat on in this Council with Chair Furfaro, that established a thirty percent (30%) minimum. Thirty percent (30%) of the prior year's Operating Budget would go into the Reserve Fund, and the Government Finance Officers Association (GFOA) did a recommendation to us between twenty-seven percent (27%) and thirty percent (30%), I wanted twenty percent (20%). I just read Maui's Council is upping their reserve to forty million dollars (\$40,000,000), so they have a total of forty million dollars (\$40,000,000), and we have fifty-four million dollars (\$54,000,000) or fifty-eight million dollars (\$58,000,000), or whatever it is, and that is at thirty percent (30%) of last year's revenue, or last year's Operating Budget. Rather than go after the Mayor's budget and try to cut positions, cut equipment, or programs, I

felt it was time, because remember in 2017, the revenues generated from this County were significantly less, and the Reserve Policy was based on that. We have not done a new Reserve Policy study, so we do not know what the numbers are, but even using the GFOA's recommendation of the low-end of twenty-seven percent (27%), if you look at the chart that I have up on the screen, the box on the lower left, well, let us start on the top, all of the highlighted areas are the areas that I am proposing that we drop the tax rate. The budget that was sent over to us included a ten percent (10%) reduction for Homestead, and a ten percent (10%) reduction for Residential. Starting off with the Homestead on the top, I am proposing that we drop that rate another five percent (5%), and what I want to do is I want to set a separation between Residential and Homestead, so that some of the Residential homeowners now that are renting their properties may have an opportunity to turn that into a long-term affordable rental, because they will get an additional tax benefit. How significant will that be? I do not know. Will that work? I do not know, but at least we are trying. Residential, I am proposing we keep it the same. Vacation Rental, Hotel and Resort, keeping it the same. Commercial, Industrial, Agriculture, and Conservation would all get a ten percent (10%) real property tax rate cut. Again, we are in a fiscal position today, because all of these classifications had the burden of paying additional taxes, because of assessments. Commercial Home Use, as well, would be reduced by ten percent (10%). Residential Investor, if all goes as we think it will, that will be repealed and those properties will go back into Residential and we will deal with them at that point, so they will not see a tax decrease either.

Having said that, if we approve of all of these tax rate reductions, the fiscal impact would be four million six hundred eighty-six thousand twenty dollars (\$4,686,020). Now, you are going to the lower chart on the bottom, reserve policy currently at thirty percent (30%), we would have to find four million three hundred thousand dollars (\$4,300,000) to make that happen. If we dropped it to twenty-nine percent (29%), we would need to find two million five hundred thousand dollars (\$2,500,000). If we dropped it to twenty-eight percent (28%), we would need to find eight hundred one thousand dollars (\$801,000) to meet the reduction amount. If we went down to twenty-seven percent (27%), then we would have a surplus of nine hundred eighty-six thousand dollars (\$986,000), and anything beyond that I am going to be asking one (1) of my colleagues to do an amendment to drop the thirty percent (30%) to either twenty seven percent (27%), or twenty-eight percent (28%) at the Committee level. That is the proposal, and again, it really stems from...remember now, these are the minimums. The reserve percent policy sets the target minimum. Like I explained to the Mayor yesterday, if he was in agreement, if he could find the moneys that it would take to create this tax relief, then the Reserve account would not have to be touched. I am not sure if they can find that kind of money, it is a lot of money, but if they can find that money or tinker with some of these amounts—five percent (5%) versus ten percent (10%), but those are the options that he is going to send to us next week, and we will have that discussion on the floor. But this is the only way I know as a Council that we can provide the relief to those people, and I know Councilmember DeCosta had some concerns on the Commercial where you have these big corporate people. At the end of the day, we cannot separate who we charge taxes to based on who is rich and who is not. Really excited going into the new, when we have the

real property tax discussion, as we will be tiering the Residential rates, we can also tier Commercial rates, Agricultural rates, we can tier all the classifications, and that is something that we cannot do here. We need to stick with the classifications that we already have, so this will be my proposal.

Again, this is going to the Committee, so I am not asking for anyone's commitment one way or the other, but this has to be approved prior to decision-making if we want to utilize the lower reserve percentage. Again, it is the minimum, so the fact that we dropped this to twenty-eight percent (28%), to twenty-seven percent (27%) does not prohibit us from keeping at thirty percent (30%). My God, we could do thirty-five percent (35%) if we had that much money. Lyndon, or whoever was supposed to get the numbers from...did anyone get the numbers from Ken regarding...I saw the sheet he gave us, but that is not what I was asking for. Do you have the correct one? Yes, but this is not what I asked for. I do not know how to read this. All I wanted to know was how much...maybe some of you folks can help me, who is here in the audience from the Administration, from 2017, how much did we put into the Reserve account? How much did we put in 2018, 2019, 2020, 2021, 2022 and how much did we take out? At one of the budget hearings last week or two (2) weeks ago we talked about the Reserve Fund, and the answer I got from the Administration, I believe it was Mike Dahilig who said, he believes two (2) times, we touched the Reserve Fund, that we had to. This year, I honestly, cannot understand, and I do not know if that was intentional, I am just trying to...that is all I wanted was how much went in and how much came out. Because at thirty percent (30%) I think it takes us up...does anyone know the number off-hand? I should know this. But it is fifty-four million dollars (\$54,000,000) or fifty-eight million dollars (\$58,000,000) that gets set aside that we cannot touch unless it is for certain things. If we drop it two percent (2%) or three percent (3%) it is not going to hurt the County, but what we will be able to do is provide much needed real property tax relief to our residents. If anyone has any questions. Councilmember Bulosan.

Councilmember Bulosan: I like the direction that we are going. I think this is a worthy Resolution. I think overall, perspective-wise, the cost of everything went up. What we are trying to do here with this Resolution, from my perspective, it is not about trying to save money for our people here, it is trying to protect them from not losing their homes, not losing their lifesavings. It just baffles me that earlier in the discussion in 2004, we were saying half a million (\$500,000) was unaffordable, which it is still, and that is unaffordable outright for ninety-five percent (95%) of the people here, so this is the most logical thing that we can do as a functioning body to provide a respectful tax rate that does not keep pushing our local people out.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: This is part of our discussion too, right?

Council Chair Rapozo: Unless there is...I should have asked if anyone in the audience wanted to testify? I apologize. I am sorry. Let me suspend the rules. Mr. Hart. I get passionate with this subject you know.

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

Mr. Hart: I did not know I was being left out. For the record, Bruce Hart. This is the first we have heard the proposal by Chair. Since I think that all of us are cautionary, just proceeding that way. I am going to tentatively say if we move forward and we have more discussion about it, we hear from the Administration and what they have to say that I am in support of it. My understanding of the Reserve Fund is that it is specified for certain situations. If we run into those situations, we are going to need the money, but I am really curious like Chair has said to hear just how much have we spent over the years, so we can get some kind of idea of the risk we are taking by reducing it. We do have a flush year, so that if we can use it for housing, then providing more housing through tax incentives to the house owners, then that seems like a good idea to me. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else? Seeing none. I will call the meeting back to order. Councilmember DeCosta.

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

Councilmember DeCosta: I gave this a lot of thought, and I am going to lay this on the table for you. I believe the Mayor and the Administration gave a ten percent (10%) rate cut already, all we are looking at is an additional five percent (5%) on the Homestead. I have two (2) boys in college, and I have a mortgage on ten and a half (10½) acres, and three (3) homes, I look at what I can keep in my budget, and when my budget is really low and there is an unanticipated expense that happens, could be tuition, a broken cell phone, or a broken vehicle in California with my son, a reserve helps pay that bill, a reserve gives you that option to feel more comfortable that you can read the unanticipated occurrences that can happen. We are going to hit some really troubled times coming up. We have the shipping industry in our United States government that could impact the cost of how we do business in Hawai'i, it could impact the goods that come to Hawai'i, and I believe that right now, if we do this further cut in this Resolution, if you look at the categories, Commercial and Agriculture, most of our local businesses do not own the building that they do business out of, they rent the building, the commercial break will be for that landowner who owns the building. You go to Kukui Grove, how many local businesses are in Kukui Grove? A whole bunch. Who gets the tax break when we give it to a commercial entity? It is that owner of Kukui Grove. How many local residents own agricultural land? Tell me. I own agricultural land; I am not supportive of this agriculture tax break. Do you know why? That agricultural tax break is going to all the large landowners, and who is one of them? Who are two (2) of them? Who are three (3) of them? Very wealthy people on the island of Kaua'i. Just think about this. I am not against giving selective people tax breaks, but the Chair said that we cannot, because we have to tier it, so if we are going to do this, I would like to do it in a tier form. I look at conservation land, you name me one (1) local man or woman who owns Conservation land. It is the large landowners who own Conservation land. The majority of them are large landowners. Go across the board from west to north. I just want to make sure that we are not empowering

the wealthy with this tax break, because we are already giving ten percent (10%) to our Homesteaders, and extra five percent (5%)—I would be good with that, but seems like we are going across the board with Commercial and Industrial, and I believe a lot of our local businesses rent Commercial and Industrial spaces—a few of them own it, and I would like to see that number actually, if I can. Can we get a number on who owns the commercial spaces here on Kaua'i? Is that something Real Property Tax would give me? With that being said, I look at the Resolution and the language that Councilmember Carvalho and I did with the General Fund that counts towards housing, we talked about a crisis, can you imagine if we would continue to supply Adam with an additional four million dollars (\$4,000,000) per budget in addition to what we give him to make our public housing developments in Waimea 400, Lima Ola in 'Ele'ele, and Kīlauea, that could be a substantial impact with our local families who will benefit, not just a tax reduction. That is what I wanted to say.

Council Chair Rapozo: Next, Councilmember Bulosan.

Councilmember Bulosan: I will wait until everyone gets a chance.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I was happy to let him go first. I just had a simple question, Chair. Looking at your spreadsheet here, your reduction of four million six hundred eighty-six thousand twenty dollars (\$4,686,020), that is completely absorbed in the estimated reductions in the table above, right?

Council Chair Rapozo: Correct.

Councilmember Cowden: So, it would leave us a little less than one million dollars (\$1,000,000) in spare money.

Council Chair Rapozo: If we went to twenty-seven percent (27%).

Councilmember Cowden: If we went to twenty-seven percent (27%).

Council Chair Rapozo: Correct.

Councilmember Cowden: Then, the original Resolution had it going down to twenty-five percent (25%), which would have given us an extra four million five hundred sixty-four thousand dollars (\$4,564,000) to be able to apply somewhere else.

Council Chair Rapozo: Correct.

Councilmember Cowden: Okay.

Council Chair Rapozo: Again, thanks to our discussion that we had regarding the numbers, I had to do a recalculation, I just calculated wrong when I went with twenty-five percent (25%), so that was an error on my part. After doing

the recalculation and getting the tax rates from the Department of Finance these are the correct numbers.

Councilmember Cowden: These are the correct numbers, okay.

Council Chair Rapozo: I am thinking we would stay with the GFOA's recommendation of twenty-seven percent (27%), that is the lowest I would recommend. Like I said, if we work together with the Administration, and they can find some funds, or if we can find some funds then we can go to twenty-eight percent (28%). Again, this is a minimum, so we are not bound by...

Councilmember Cowden: When we look at the budget when we saw that there was a number of positions that maybe are not likely to get filled, though we recognized that many of those positions that are not filled, those dollars might be spent in overtime for someone picking up some of that, there might be a little bit of extra potential squeeze in other places. If we were wanting to do something like help WIN or help what we just got done talking about, do we help the park? Do we help when there are others?

Council Chair Rapozo: For me, the whole purpose of using the Reserve Fund was specifically for real property tax relief, and not projects.

Councilmember Cowden: Okay.

Council Chair Rapozo: I think that is only fair, right? When we have benefited from the tax.

Councilmember Cowden: I am just getting clarity.

Council Chair Rapozo: Yes.

Councilmember Cowden: Okay.

Council Chair Rapozo: But it is possible. Is there anyone else?  
Councilmember Kagawa.

Councilmember Kagawa: In the spirit of Tax Day coming up, the County is the only one that considers tax breaks at all levels of government. Have you ever seen your State income tax get reduced for working families?

Council Chair Rapozo: No.

Councilmember Kagawa: Have you ever seen your federal income tax reduced?

Council Chair Rapozo: No.

Councilmember Kagawa: Have you ever seen your social security burden reduced?

Council Chair Rapozo: No.

Councilmember Kagawa: I mean it is pretty frustrating that all of our constituents look at us as, "Come on government, be efficient, cut down our tax." We have the smallest tax bill of all three (3) branches. So, they are coming to us because they are overtaxed at the other two (2) governments, and that is the real problem—that is why I bring it up like a broken record. There has to be a point where Mazie and Schatz are going to come to our people and say, "What can we do for you?" Why is it only at the County level that there are Transient Vacation Rentals (TVR) saying we are overtaxed, we have individuals telling us they are overtaxed, but we are the only ones that listen and actually can react like in your plan, Chair. I am going to support whatever tax break we can—that is the way we can help stimulate the economy for our residents that are struggling. I am okay with twenty-five percent (25%), I am okay with twenty-seven percent (27%), and the lower the better for me. I am okay with it, because when you compare us to Maui, which is a great comparison for me, I think that is a healthy county to look at—we are still better off. Either way I am in support, and I thank you for your work, Chair.

Council Chair Rapozo: Thank you.

Councilmember Kagawa: I look forward to further discussions.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: The GFOA part was solid on this.

Council Chair Rapozo: The study was done. We always had a Reserve Policy, and back in 2017, I think the trigger was one (1) of our annual audits, that the auditors recommended that we amend...I am going on my recollection, but as far as I remember, we were advised to follow GFOA's recommendations and that is what we did, and it came between twenty-seven percent (27%) and thirty percent (30%). I even thought twenty-seven percent (27%) was too high, but we did pass the policy, and it has been at thirty percent (30%) ever since, we have never revisited it, we never got an update from GFOA. I just do not believe that at twenty-seven percent (27%)...number one, I know one of the concerns of the Mayor, which is a valid concern was bond rating, but the bond rating...yes, at twenty-seven percent (27%) we are following GFOA's recommendation, that is why I want to keep it, do not go lower than twenty-seven percent (27%), because we are still in line with the recommendation from the GFOA.

Councilmember Carvalho: I wanted to mention, I appreciate that, which opens the door for all the other things. For me, just the layout, I think we are in the right direction. Looking at what we have before us and trying to figure out what the final will be. I think we are in the right place; I support moving forward, and more discussion, but the layout is really good.

Council Chair Rapozo: This is not time-sensitive; we have time.

Councilmember Carvalho: Yes, that is why I am saying.

Council Chair Rapozo: I did not drop this, so you need to vote today.

Councilmember Carvalho: Right. We need to get it out. I just wanted to mention that ahead now.

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

Councilmember Cowden: I am thankful that you had the conversation with the Mayor yesterday, and that he came and spoke, and he is willing to let us think about it for a week. I think something unique in our main revenue forces, which is General Excise Tax (GET), TAT, and real property tax, all of those are really pressured by inflation, so all of those has this rapid growth unlike our incomes that are not proportionately inflating, right? They are not proportionately inflating, our expenses are proportionately inflated by the way, though even yet, our wages have gone up, but they have not gone up proportionately to the cost of goods and the cost of real estate. I think when we give reprieve, and when we are looking at long-term pieces, I am going to want to look at the caps, because the assessment caps are something that Real Property Tax would not be that comfortable with as I look at him, is that we have to control that inflationary pressure, because we will have this problem every single year—what we would be asking people to be...spending is going to keep going up, and I feel like we are one (1) of the most beautiful places on the entire planet, and I think there will continue to be the desire to come here which is going to keep our market rates going up even when we are seeing them starting to drop in the continental United States.

Council Chair Rapozo: Is there anyone else? Go ahead, Councilmember Kualii'i.

Councilmember Kualii'i: Of course, I am open to looking at this further. I share some of the concerns that Councilmember DeCosta mentioned, and I know that the tiers are coming next year, so I think we will have a better opportunity to distinguish between smaller and larger, but this process-wise will go to Committee, right?

Council Chair Rapozo: Correct.

Councilmember Kualii'i: And in the Committee we will have active participation from the Administration.

Council Chair Rapozo: Yes.

Councilmember Kualii'i: Real Property Tax, and the Department of Finance.

Council Chair Rapozo: They are going to be working on two (2) or three (3) alternative options, I will tell you that the Mayor shares the same concern

as Councilmember DeCosta as far as Commercial. That is exactly right, what Councilmember DeCosta said is exactly right. Let us say I am the shopping center, and I am not sure and did not go that far to look what the tax benefit advantage would be, but the concern is that a lot of the tenants are locked into long-term leases that they will not be able to change their rent; however, the owner could always offer a credit. I do not know if it is going to be significant enough, I do not know those numbers, but the whole premise for this is not so much about Commercial, or Agriculture, it is collectively we have benefited from them paying taxes based on assessments that have risen. I left out hotel, resort, and vacation rentals, because they are thriving. Read all the tourism publications—they are thriving, and they are raising their rates. So, I do not think when we have only so much relief we can give, I prioritize them to how I think they are deserved, and it is not like I will cry if we drop Commercial or we move Commercial. The Mayor will come out with the data based on what they have across the street, and we will be able to have that discussion.

Councilmember Kualii: Chair, is this an Excel spreadsheet?

Council Chair Rapozo: Yes, it is.

Councilmember Kualii: Will you share that as well? I could add the column that makes the difference between the current revenue and the proposed revenue by class, so that we can see how much is in each category.

Council Chair Rapozo: Got it. Do you want me to send this to you or do you want me to just add it on?

Councilmember Kualii: Just share it.

Council Chair Rapozo: Okay.

Councilmember Cowden: I will just say that I want to recognize that at least in a number of shopping centers that I dealt with those owners were particularly motivated to be very good to their tenants during the lockdown, because they did not want their tenants to go out of business. I just want to acknowledge something that is a profound problem, as with both the 2018 flood, and the pandemic lockdown, there were many commercial landlords that did pass along more than a tax break to their people. I will let him go. Whenever you are ready for me to move to change the date, I am happy to do it.

Councilmember DeCosta: I am really glad that Councilmember Carvalho and Chair Rapozo brought to my attention the GFOA, the bond rate, and the twenty-seven percent (27%) that we are still in compliance, because I did not want to see our bond rate and our borrowing power to go down. I want you to know the Agricultural rate is not as great as what they call the Homestead rate, so if you have a local family who lives on a three-acre lot in their home, they are better off getting a Homestead rate than an Agriculture rate. The only people who benefit from the Agriculture rate is the people who do not have a house on their Agricultural land. Now let us go from west all the way to north and look at all of

those landowners, who do not have houses on their Agricultural land? Large agriculture owners, large landowners of agriculture. With that being said, if I look at the commercial entities across the island a lot of large commercial buildings are owned by large corporate entities, why do we not talk about a few of them in Līhu'e? I came out really strong because I was passionate about giving the Homesteads people that rate. The ten percent (10%) that our Administration gave, I believe it was the chiming of this Council that said that we want to give a tax break, and they got wind of it, and then they went with the ten percent (10%). The Chair brought up the extra five percent (5%). I would not mind giving twenty percent (20%) to our Homesteaders, because they are the local families on this island that will benefit. But if you are asking me to give Costco, Walmart, and Zuckenburg, and give those large agriculture, and commercial entities a tax break, I am going to say it on the floor, I am not willing to do that, but if you will tell me that small "mom and pop" person in Hanalei who owns that little shop, and they have that little vendor in there, then I am willing to do that. Thank you for that.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I love this discussion because we are just considering it, which is awesome. Just echoing Councilmember Kagawa on the idea of taxation and for the County to even consider this and work through this is huge. It speaks volume to the awareness of our community and our Councilmembers here. Just circling around the discussion around Commercial and Agricultural, I am in agreement on the concern. Statistically if you look at the community, overwhelmingly the majority are people who work in this community are working for small businesses. A lot of those small businesses, while they may be an entity like Kukui Grove, a big portion of them will, if Kukui Grove, say like that kind of an entity or a larger corporation, I am sure they will consider sharing the tax break. Like what Councilmember Cowden said, during the pandemic, they did not want these small businesses to go because that is the character of the community, and without the character in the community we are just going to be another hotel space for all these visitors. The point that brings up that we are following the guidelines, I am definitely in agreement with that. The one that I want to put a caution or thought process through is that say there any unintended consequences to doing this five (5) or six (6) years from now, say assessments drop drastically, which historically it never does, say we cut the assessments in half ten (10) years from now, we would leave the County out of budget to do the work that they need to do, because we raised all the services that we did. That is the only concern that I might have at that point, but if we are talking about two percent (2%) or three percent (3%) out of the savings, I think we should be okay.

Council Chair Rapozo:

You bring up a good point. I have said this so many times, this is my favorite Council, because Councils should be setting tax rates every year—that is what Councils should do, that is our job. As long as I have been on this Council, just never had that willingness to touch rates, so while we can tell the world that we have never raised our property tax rates—well, that is technically true, but realistically it is not, because the assessments drove the bill, so our tax bills went up. I am a firm believer that this body here, not the Administration, but this body based on the budget that is sent across, we set the

rates. In a scenario, Councilmember Bulosan, if the assessments drop, we up the rate to keep it revenue neutral, so they are not going to see a change in their bill. What we are trying to do now, as the assessments are going sky high, this is not revenue neutral, they are still going to pay taxes.

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

Council Chair Rapozo: But the flexibility of working through our budget with the ability to set the tax rates at every individual class—that is our job. I am excited because this is the first time, we are actually having this real discussion...that first time in all my career—it was just something that we never touched, yet, I think that is where we can make the most impact, because the more I hear about Commercial and Industrial, that is something we are going to have to explore, and I would love to give Homestead even more relief that is hitting the local people, that is hitting the families that are struggling right now. The thing is if we go too low, then next year you need to up it again. That is where we are relying on the Administration to come up with the balance as the Mayor said this morning with the balance, and I am excited to see what they have. Trust me, I am not emotionally attached to this spreadsheet, like I said in the morning session, this was the first draft. At the end of the day, this body will do what is best for the community. I believe it. Is there any other discussion? Go ahead.

Councilmember Cowden moved to refer Resolution No. 2023-37 to the Finance & Economic Development Committee on April 19, 2023, seconded by Councilmember DeCosta.

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

The motion to refer Resolution No. 2023-37 to the Finance & Economic Development Committee on April 19, 2023 was then put, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Rapozo: Next item, please.

#### BILL FOR SECOND READING:

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

Councilmember Kualii moved to approve Bill No. 2895 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony that we have not already had? If not, roll call.

The motion to approve Bill No. 2895 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL - 7,
AGAINST APPROVAL:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

*(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: The motion carried.

Council Chair Rapozo: Thank you. Can you read the Executive Session, please?

#### EXECUTIVE SESSION:

ES-1093 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Is this the one that is going to be deferred?

Ms. Fountain-Tanigawa: Yes.

Council Chair Rapozo: Does the County Attorney need more time?  
Just so the public knows.

Ms. Fountain-Tanigawa: We received the backup material a little later, so it is scheduled for the 26<sup>th</sup>.

Council Chair Rapozo: Okay.

Councilmember Cowden moved to defer ES-1093 to April 26, 2023, seconded by Councilmember Carvalho, and unanimously carried *(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Rapozo: Next item, please.

ES-1094 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session, to provide a briefing regarding the claim filed against the County of Kaua'i by Joseph Kua, Jr., and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1094, seconded by Councilmember Cowden.

Council Chair Rapozo: Thank you very much. Roll call.

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

The motion to convene in Executive Session for ES-1094 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL - 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

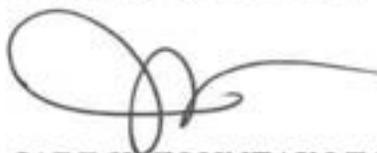
*(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: The motion passes.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:18 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk