

## COUNCIL MEETING

DECEMBER 6, 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, December 6, 2023, at 8:50 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan  
Honorable Bernard P. Carvalho, Jr.  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable KipuKai Kuali'i  
Honorable Mel Rapozo

Excused: Honorable Ross Kagawa

(Note: No one from the public testified on any agenda item via oral testimony via the Zoom remote technology platform.)

### APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there anyone in the public wishing to testify on the agenda? Seeing none, is there any discussion?

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

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

Council Chair Rapozo: The motion carries. Clerk, can you read the next item?

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

November 1, 2023 Council Meeting  
November 15, 2023 Council Meeting  
November 15, 2023 Public Hearing re: Bill No. 2910

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

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

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

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

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

## INTERVIEWS:

### BOARD OF ETHICS:

- Amber K. Mokuahi – Term ending 12/31/2025

ELLEN CHING, Boards & Commissions Administrator: This morning, I am happy to introduce Amber “Kaliko” Mokuahi. Kaliko was born and raised on Kaua‘i and graduated from Kamehameha Schools.

Following high school, she continued her education at Brigham Young University in Provo, Utah. Maybe it was the weather or the lack of poi but in Utah, Kaliko realized that her passion was for the Hawaiian language. She followed her heart and transferred to the University of Hawai‘i (UH) at Mānoa. There she joined the first Hawaiian language immersion cohort and earned her bachelor’s degree in the Hawaiian language and elementary education.

Upon her graduation, Kaliko followed her heart again, this time it was her husband who got a job with the County as a fireman. Settling back on Kaua‘i, Kaliko worked at Ho‘ōla Lāhui as a Program Coordinator for nine (9) years.

In 2010, she was hired by Kamehameha Schools (KS) as a Literacy Resource teacher and was recently promoted to the Community Strategist position. In this unique position, Kaliko represents Kamehameha Schools in the community and vice versa. She actively looks for community partners to increase educational and Hawaiian cultural opportunities on Kaua‘i. For example, providing grant funding to Mālama Hulē‘ia for their preservation work on the Alakoko Fishponds and working with various partners to increase early learning access or working as a standing member of the Keiki to Career Leadership Council, looking for gaps in services and opportunities to bolster State initiatives. At the same time, she represents Kaua‘i at Kamehameha Schools to provide input on needs, gaps, and opportunities for planning purposes.

As a busy mom of four (4), two (2) young adults and two (2) high school teenagers, a freshman and a senior, Kaliko has a full plate. While her oldest son will be entering pilot school, her oldest daughter is working at Hale ‘Ōpio and considering returning to school for a master’s degree. Both of the teenagers paddle. Her husband is their coach. It is a family affair and Kaliko is the team mom, ordering uniforms, organizing equipment, gathering, and filing all the necessary paperwork.

Kaliko is a master organizer because even with a full-time job, a hubby, and four (4) children, she still somehow manages to create free time to dance *hula* and hike. To stay in shape, her favorite foods are salads which she “balances” with french fries. Her family dream trip would be to New Zealand or Tahiti, with her girlfriends, it is to Greece following the Sisterhood of Traveling Pants. Kaliko has never served on a Board or Commission, and I am grateful that she is willing to volunteer her time and perspective to the Board of Ethics.

Council Chair Rapozo: Thank you for being here. Is there anything you would like to add?

Ms. Mokuahi: No. That was a very nice introduction, very humbling, embarrassing to sit in here listening to Ms. Ching.

Council Chair Rapozo: You learned so much more about yourself today.

Ms. Mokuahi: Yes, she asked all these questions, and she put it together very nicely.

Council Chair Rapozo: What do you like to go by, as far as your name?

Ms. Mokuahi: It does not matter. For work or *hula*, they know me as Kaliko, and I have seen some of you at Kamehameha Schools work, but either works: Kaliko or Amber.

Council Chair Rapozo: Are there questions for Kaliko or Amber?

Councilmember Cowden: Kaliko, thank you so much for your willingness to serve. I have plenty of opportunity to watch you in action. As we all heard, you have a lot of demonstrations of living life with integrity. This is your first time serving on a Board or Commission. Have you ever attended a Board or Commission meeting?

Ms. Mokuahi: No, I have not, so I have a lot to learn.

Councilmember Cowden: It is a big responsibility. Do you have a sense of what the Board of Ethics is about?

Ms. Mokuahi: Just from what I read online, I watched the video, helping to keep the integrity of all of those who serve in the County and trying to look for conflict of interest or things against the Code of Conduct.

Councilmember Cowden: Well, good. I would recommend that you go to a Board of Ethics meeting before you start to serve, because it is really important to learn what you are doing. I really cannot overstate how important it is that you look for whatever might be coming at people as well. Thank you.

Council Chair Rapozo: Are there any further questions for Kaliko?  
Councilmember DeCosta.

Councilmember DeCosta: I know the answer, but I want to hear from you.  
Who did you marry?

Ms. Mokuahi: Who did I marry? Micah Mokuahi.

Councilmember DeCosta: Because you mentioned "your hubby," but you  
did not state his name.

Councilmember Kualii: What do you do as a Literacy Resource teacher?

Ms. Mokuahi: That was my previous role. We had an  
initiative to support all of our learners to be able to read by third grade. We were  
working, doing direct services with Kapa'a Elementary, as well as Kawaikini, just  
teaching them reading strategies, different types of skills to support them and being  
able to read and understand.

Councilmember Kualii: I know Kamehameha Schools does not have a  
campus here, other than the preschools. Does this mean you went into the public  
schools and other schools?

Ms. Mokuahi: Yes.

Councilmember Kualii: What are you doing now as a Community  
Strategist?

Ms. Mokuahi: My role is to represent KS within the  
Kaua'i/Ni'ihau community and then take the intelligence, the networking, and the  
information that I get back to KS, when they are looking for ways to best support  
initiatives here on the island that affect our Native Hawaiian community.

Councilmember Kualii: Wonderful. I know KS has had meetings here  
and we all have been invited to them and that is where we saw you too, and so they  
have the perfect person to be doing that. We are lucky that now you have stepped  
forward to be on one of our commissions and I hope you will continue to serve on other  
commissions as well.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: When you looked at the commissions that you  
could join, what made you choose...to join a commission, first of all, and what made you  
choose the Board of Ethics?

Ms. Mokuahi: My predecessor, Buffy, who was the regional  
director of community strategist prior to me joined the Commission, and thought that  
it was a wonderful opportunity to give back to the community, so she encouraged me to  
take this opportunity. It really is outside of my level of comfort, it is not something I  
thought I could do, but when Ellen was mentioning the different boards that were open,  
this was one that I thought I could maybe best support. I try to live life with integrity  
and try to be mindful of what is going on, offering a different perspective, maybe. I do



not have a law background or anything like that, but I am a community member that values integrity and people doing what they say they are going to do.

Councilmember Cowden: Well, thank you, and I think you will find that it will open up all types of new avenues and you start to look at how governance is run.

Ms. Mokuahi: Yes.

Councilmember Cowden: And there is no better way of learning that than being a part of that.

Ms. Mokuahi: Exactly. Learn by doing, I guess I am practicing.

Councilmember Cowden: It is nice to have fresh eyes.

Councilmember Carvalho: Yes.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I need to tell you that I wrote down under Kamehameha Schools graduate, because you had me at Kamehameha Schools graduate, because I married one, and what separates you from Punahou, 'Iolani, and other public schools, is everyone likes to think that "we are all that," but Kamehameha Schools graduates know "they are all that." Underneath Kamehameha Schools graduate, I wrote down: empowered, industrious, and educated. Those are the three (3) things that I believe the Princess would want her women of her graduating classes to be. I summed it up with one (1) word and I showed Chair Rapozo what I wrote—integrity. It was cliché, but you mentioned that, and I know you will be that one (1) commissioner on the Board of Ethics to have that integrity. I am honored to support you.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I have known you for a long time. *Mahalo* for stepping up and being a part of the board. First, supermom, you have four (4) kids. You said your son is going to be a pilot.

Ms. Mokuahi: Yes, he is trying to be. He is going to pilot school; it is very expensive.

Councilmember Carvalho: In your application you state that you see this role as a bridge (inaudible) between government and community. I am really interested in knowing more about that part.

Ms. Mokuahi: Sometimes government can be scary, but if there are people, regular community members like me that can make it less scary and more accessible or less daunting, I guess. Also, I want to showcase the integrity of government. This is just one small way to be that bridge.

Councilmember Carvalho: Thank you for stepping up and for serving.

Council Chair Rapozo: Thank you. Ellen, thank you, I really enjoy when I see...and no disrespect to the other nominees that may have served on prior boards, but it always excites me when I see first-time members being appointed and nominated, because like what Councilmember Cowden stated, "fresh set of eyes" looking at this commission. This commission is very critical and welcome to the world of politics because that is what the Board of Ethics looks at and as long as I have no reason to doubt that this will stop, but as long as you maintain the integrity, which I see as doing the right thing when no one is watching, but in politics, everyone is watching and there is a lot of external forces, that when things come before you, as long as you apply that commitment to integrity, you will be fine. I do have one (1) personal question, because I am a huge professional wrestling fan, and I have seen your husband so many times and I never had the opportunity to ask him, but Sam Steamboat...

Ms. Mokuahi: That is his dad.

Council Chair Rapozo: That is his dad? Oh, my gosh.

Ms. Mokuahi: Yes.

Councilmember DeCosta: I knew that.

Council Chair Rapozo: You knew that, but why did you not tell me that? I was very little, but Sam Steamboat used to be the president of Hui Nalu Canoe Club.

Ms. Mokuahi: Yes.

Council Chair Rapozo: And my grandpa used to be president of the Kaua'i Canoe Club down at Niumalu and so I got to meet Sam Steamboat when I was very little and he was very big. I attended all of the matches...I did not know that was his dad.

Ms. Mokuahi: Yes.

Council Chair Rapozo: Okay. That does not impact my decision...

Ms. Mokuahi: Maybe add a little?

Council Chair Rapozo: Thank you very much.

Ms. Mokuahi: *Mahalo.*

JADE K. FOUNTAIN-TANIGAWA, County Clerk: The next interview is for the Charter Review Commission, Jan TenBruggencate, for a term ending December 31, 2025.

## CHARTER REVIEW COMMISSION:

- Jan TenBruggencate – Term ending 12/31/2025

Mr. TenBruggencate:

Good morning.

Ms. Ching: Ellen Ching, Boards and Commissions Administrator. All of you know Jan TenBruggencate, but what you may not know is that Jan was born in Holland. His family moved to Moloka'i when he was eight (8) years old where he attended Maunaloa Elementary School. In high school, he attended Mid-Pacific Institute. Just short of his senior year, his family moved back to Holland, where he graduated from the American School of the Hague.

Jan returned to Hawai'i when he enrolled at UH Manoa and earned a bachelor's degree in English and journalism. While still in school, he got a part-time job with the Honolulu Star Advertiser. When a full-time position opened for a Kaua'i reporter, Jan jumped at the opportunity. This was the beginning of a 37-year career as a journalist with thirty-five (35) years on Kaua'i. During his career, he worked from every island in State; Kaua'i, Ni'ihau, O'ahu, Maui, Lāna'i, Moloka'i, Hawai'i stretching all the way to Kure Atoll, the French Frigate Shoals, and everything in between.

He is also a published author or co-author of twenty (20) books. The latest just released last month November, titled "Pirates and Palm Trees: The Bloody History of Piracy in Hawaii and the Pacific".

Upon his retirement, Jan formed a consulting and community communications company and dove into community activities. He was elected to Kaua'i Island Utility Cooperative (KIUC) in 2010 and has served as Chair and is currently Vice Chair.

He is President of Mālama Hulēi'a and was actively involved in the purchase and preservation of the 'Aleko Fishpond. This includes the successful organizing of the massive clean-up this past October with over one thousand five hundred (1,500) volunteers to mark its 5<sup>th</sup> year anniversary workday.

Most days, Jan can be seen reading and walking at the Marriott. He also enjoys everything about canoes, building them and paddling them. He is an active member of the Kaiola Canoe Club.

His dream trip would be to the remote South Georgia Island right above Antarctica. Jan's claim to culinary fame is eggs benedict and with handmade hollandaise sauce.

As a journalist, Jan attended County Council meetings starting in 1971 and could often be found in the County Attorney's office following the meetings. He was well acquainted with the author of our Charter, Morris Shinsato. I am thankful that Jan is willing to share his unique professional and technical knowledge of Kaua'i and the County's legislative history with the Charter Review Commission.

Council Chair Rapozo:

Thank you, sir.

Mr. TenBruggencate: Thank you. I am Jan TenBruggencate. It was great to hear Pastor Tom Iannucci's blessing this morning, his discussions were spot on, not only for our community, but for our national community, and to see Les Ceballos, of what I can remember, (inaudible). I do not know how many years that was, but what a transcendent voice. This form of government, Council-Mayor form of government is fifty-five (55) years old, or it will be next month. I have frequently been in this room for fifty-three (53) of those fifty-five (55) years. I remember the days before air conditioning (ac) when those windows were open, when that table was rectangular shaped, and the reporters used to sit on the far side of the wall over there. As Ellen said, I got a chance to understand county government by talking to the author of county government Morris Shinsato, who is such a remarkable man. Talk about humility, deeply accomplished and wonderfully humbled, and willing to share. That is where I learned about county government. I am pleased to have previously been...unlike Kaliko, who is a first-timer, I have been on the Charter Review Commission several times. I am honored that I have been asked to serve again and will continue to try to do what I can to ensure that you and the people who run county government have the tools you need to do it properly and to do it well. Thank you.

Council Chair Rapozo: Thank you, Jan. Are there any questions from the Members?

Councilmember Cowden: Do you speak Dutch? I did not know that.

Mr. TenBruggencate: Yes, but not well. I stopped speaking Dutch when I was five (5) years old.

Councilmember Cowden: I can tell by your name that you were Dutch, but I did not know you started there. We just talked about having fresh eyes, and with you, I would say we have wise eyes.

Mr. TenBruggencate: Old eyes.

Councilmember Cowden: I appreciate you have the institutional memory and both the depth and breadth of knowledge. I will say to you what I say to everyone who is on the Charter Review Commission, but I know you really understand this, is that the Constitution of the United States and the Constitution of the State of Hawai'i does not have a constitutional review commission, so you understand the responsibility of making changes to the Charter. Can you speak to that?

Mr. TenBruggencate: The states do review their constitutions, they normally set up. Hawai'i had a constitutional convention. They normally set up ad hoc organizations to do that sort of thing. There are a couple of methods for addressing the United States Constitution. In our case, just to be clear because someone listening might not have understood, the Charter Review Commission cannot change anything. What the Charter Review Commission does is make recommendations to the voters of the County of Kaua'i who then makes the decisions. We are one (1) of three (3), presuming I am approved, I say "we"—the Charter Review Commission is one (1) of three (3) mechanisms for bringing issues about the Charter to the voters. The other two (2) are the County Council, you folks can, and the third is citizen petition. One (1) of the



genius factors of our Charter is that it is very citizen centric, it gives the citizens a lot of power. It is one of the reasons why we have so many...more than any other county in Hawai'i, citizen commissions that actually run departments, that have the authority to appoint department heads. There are five (5) or six (6) that can do that. I am not sure that answers your questions, but I recognize the gravity of what we do, but I am reminded that people frequently say, "Well, you folks have so much power," but the only power is the power of the citizens. We can simply make our recommendation as a group of citizens who look at the issues and bring them forward.

Councilmember Cowden: I wholeheartedly support your nomination. What is important, I think, though for us to be able to explore is what percentage would you say of charter amendment questions are voted "yes" and they manage?

Mr. TenBruggencate: I have not looked at those numbers in a long time, but like seventy percent (70%) to eighty percent (80%), something like that.

Councilmember Cowden: I would say that is correct. Most of those are brought forward by the county itself, correct, by the departments or by other commissions?

Mr. TenBruggencate: We have had examples of charter amendments brought by citizen petition and by the council and by the Charter Review Commission. Most of them come from the Charter Review Commission. We do, as a matter of policy, under Ellen's leadership, call on the departments of the County to bring us suggestions in their working with the Charter for things that think can be improved. We do get some of those. We do not characteristically have a lot of other types of suggestions come in, other than districting.

Councilmember Cowden: That is my observation, too. Do you find that how a question is framed...like when you frame a question, the answer is going to be yes. There is a lot of responsibility in how the Charter Review Commission frames a question, because when the county government comes to the Charter Review Commission and the Charter Review Commission frames it to say "yes," we are going to have a big shift. I have gone through the list of all the pieces and so as those questions happen and they are framed to be a "yes," almost all of them take power away from the elected officials. That is what I have noticed. It puts more power into the Administration, and it takes power away from the Council. Then the outcome of that is it takes power away from the public. I am sometimes discouraged that the questions are not more neutrally framed. They are framed to say "yes." I usually have said "yes." What I have learned in this job, I am only in my fifth year, how important it is to understand what we are saying yes to, because sometimes we say "yes", and do not anticipate the outcome. It is really important how the questions get framed, and they are not just framed to be a "yes" and that there are both arguments for people to consider. I know that you know this.

Mr. TenBruggencate: You and I have had this conversation before.

Councilmember Cowden: Yes. Thank you.

Council Chair Rapozo: This is a question because I would really love to hear your input, because you have been doing this a very long time. Obviously, the Charter Review Commission agrees that this needs to go out to the people and it goes, and it is framed in that way. That is just the prerogative of the Commission and the attorneys. What I see is a very small percentage of voters voting for the amendments. The way it is currently structured, and me and Council Vice Chair Kualii have been talking about this and I anticipate a Charter Amendment this year, hopefully we can get the support, that it would be approved by an affirmative vote. In other words, if you had twenty thousand (20,000) voters, but only ten (10) voters voted for that amendment, and I am exaggerating to make the point...if only ten (10) people voted to change the Charter and eight (8) of those ten (10) voted "yes," and two (2) voted "no," the Charter Amendment passes. Out of twenty thousand (20,000) voters, eight (8) people decided that we are going to change our government, that is where the problem lies. A lot of people do not understand the Charter Amendment process and they do not care, and they skip it, is what I am hearing from voters. Therefore, what happens is a very small minority of the voters are changing our charter. Council Vice Chair Kualii and myself have been discussing an amendment that would change that, so that it would have to be the majority of the registered voters. In other words, if twenty thousand (20,000) voters, we would need ten thousand one (10,001) voters to say yes, in order for the Charter to change. What are your thoughts on that?

Councilmember Kualii: Let me add a little clarification. I lived in California for a little while and I worked for the government in California, and California has the propositions. Basically, what we are talking about is "yes" votes, "no" votes, and blank votes. In California, the blank votes are considered "no" votes, because you are not voting "yes" in the affirmative that you want to make that change. Therefore, if the campaign does not educate people of the importance of that change and convince them to vote "yes" to affirmatively make that change, the belief is that the Constitution or the Charter, something so sacred should require a majority, at least, not necessarily of the registered voters, but of the people voting. There are a lot of people voting, because they want to vote for the mayor and the councilmembers, but they skip the charter amendments. Their votes need to be considered as not choosing to vote affirmatively to make that charter amendment pass. His argument about the small number of voters could make big decisions, just because other voters did not vote affirmatively for it. I understand that might make it harder to get some things done that the administration needs to get done, but maybe we need to look more clearly at what is the difference between significant changes and maybe administrative clean up type changes.

Mr. TenBruggencate: It is an interesting question. What you are proposing is the way it works with Hawai'i State Constitutional amendments and I have a couple of thoughts about it. If you applied that standard to regular elections, we would have a lot fewer public officials, because if you toss out the people who did not vote in a race, in many cases you do not have a majority. It is also true in the case of Charter amendments that I have looked at, Charter amendments on complex or technical issues, a lot of people tend to bypass in the voting booth. If it is a tax issue or an accounting issue, we recently had one (1) that I think failed...on how the County ensures things. It was an arcane area and I think if you put that type of provision into place, you would never get those changes made, because one of the good things in the current system is

only the people who care enough about an issue vote on that issue. If you do not care or do not understand, you tend to pass it by, at least is my understanding. It is your authority to do it and it might be a good thing in terms of county government, but I think it would, in fact, make it more difficult to resolve the more complicated issues. A few years ago, we were looking at the Charter in terms of, "Are there things in here that are baggage, that do not have a role, that do not need to in the Charter?" When the Charter was written, there was no such thing as a public defender and the County Charter provided a provision for the County to provide a public defender. Shortly after that, the state created the Office of Public Defender and took on that role, so the County has never used that section. It sat in the Charter for forty (40) years, and we said, "Okay, that is an example of something that maybe is not needed." We placed it on the ballot, and it was rejected, because in my view, there were folks saying, "Leave it in there anyway." Our view was clear that the Charter is not a library of all the possibilities. The Charter is the thing that you want to use to run an efficient government. Making it more difficult to make changes like that, that is one (1) that failed under the current system. Making it more difficult to make changes like that might have an impact, but there are examples of that kind of a system elsewhere in the Country they work fine.

Council Chair Rapozo: Yes, it puts the onus on the Administration if they want to see it pass, to educate the public. I do not think there is that strong effort being made to educate the public. Therefore, when they go to vote, they just bypass it and again, there is a small minority...the Charter was never designed to be changed often unless we had to change the structure of government.

Mr. TenBruggencate: No, but it was the decision of the voters. It used to be that the Charter Review Commission was impaneled every ten (10) years.

Council Chair Rapozo: Yes.

Mr. TenBruggencate: And it was the voters who decided "Let us just have them permanently in place."

Council Chair Rapozo: Yes.

Mr. TenBruggencate: So, that is where we are now. At some point, ultimately the voters are our bosses, and they make the call.

Councilmember Cowden: I have follow-up on that because you know I fought that pretty hard. At the time it was the Charter Review Commission itself that put the Charter Amendment to self-perpetuate on the ballot. At that time, we had a Charter Review Commissioner who was also a reporter, who regularly put that bias in the paper.

Mr. TenBruggencate: I do not think I was on that Charter Review Commission.

Councilmember Cowden: You might not have been. It was not you.

Mr. TenBruggencate: Yes.



Councilmember Cowden: It definitely was not you. I did not want to name the person, but it was not you. Not you. But we had a consistent story going in the paper biasing people to say yes, including the self-perpetuation of that. There are things that force the bias, including the outcome of the ask. For example, if we ask a commission or a department, "What would you like to change," I know especially for me when I was brand-new and was asked that question, I will try and do a good job to look at what needs to be changed. Whereas, if I was never asked, I might not look. Well meaningful changes might be put there. I certainly would have several things that I would want to change. What do you think about that in creating the bias, if we asked all the departments and all the commissions if there were anything they would like to change, they might say, "Yes, let us get the council to stop having as much impact," because that is effectively—it happens.

Mr. TenBruggencate: Realistically, we ask the departments for their input, and we get very little input.

Councilmember Cowden: Okay.

Mr. TenBruggencate: They do not seem compelled to just because we asked them to come up with things, we sometimes must "pull teeth" to get them to respond to say, "Is there anything in our County government that could make things run better in your view that we can consider?" We have turned them down, too. There are times when they come in with items and we say, "I do not think so."

Councilmember Cowden: I have watched that, and I think you had good reason. How often do you find that the public shows up at the Charter Review Commission meetings?

Mr. TenBruggencate: It used to be more. I left during COVID-19, I termed out during that time. About that time, we stopped seeing people, which is understandable, and so did you. It has never been a lot unless there is a hot issue. We have filled the room with people who are expressing opinions about various items before us. Sometimes, Councilmember Cowden was the only member of the public in the room back when you were not a councilmember.

Councilmember Cowden: Yes, and I will say most of the time if that room was filled, I filled the room. I know that. Would you say it is easier to get a Charter change through the Charter Review Commission, the Council, or with a petition? Where do you see the layers of it? It is certainly not similar.

Mr. TenBruggencate: There are several ways to look at that. It is easier through the Charter Review Commission because we operate by majority. It is a little harder through the Council because you need a supermajority, and it is really hard if you have to go out and collect thousands of signatures of people on an issue. The process of coming to the Charter Review Commission and proposing something is probably simpler. The backstop for the citizenry is if you have a bunch of really mean commissioners who just do not want to consider your proposal, you have somewhere else to go. You can go to the Council and you can be on the Council, you can go to a



citizen petition, if no one in government wants to hear from you, it is a pretty sophisticated system that protects the interests of the public.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: I was not going to ask anything, because your reputation speaks for itself. I support you. You are a great person to have on our commission or board.

Mr. TenBruggencate:

Thank you.

Councilmember DeCosta: But you said something very interesting right now that I may have to craft a question. Let me repeat what you said, and quote me if I am wrong, but you said the easiest way is to have the Charter Review Commission do the introduction instead of coming to the Council, because the Council needs a supermajority. But the Charter Review Commission is appointed, although we do approve it, where we are the voters choice. It should lie here between the seven (7) of us and it should be the supermajority because we are the brain, which the voters trust and elect in. They did not vote for the commissioners. You folks were appointed, and we do the cross-examination and checks. Do you think the supermajority of the Council is a better way to approve something versus having Charter Review Commission approve it?

Mr. TenBruggencate:

It is certainly higher standard.

Councilmember DeCosta:

Thank you.

Mr. TenBruggencate: I was simply making the argument that we have seven (7) members, four (4) votes at the Charter Review Commission can approve something. We normally vote unanimously on items because we try to seek consensus. In your case, the Council needs five (5) votes. It is just a little harder here, is the only point I was making. I absolutely agree that if you want to make changes in County government, the County Council is the appropriate place to do it, but a lot of the real minutiae of...we went through the Charter Amendment some years ago and just did a grammar check. Do you want to be bothered with that? We did grammar and punctuation and gender and that took us a year and a half, but it was not substantive. It was not something that I think that the great minds that run the County needed to be bothered with, this was that type of a function, so there are appropriate things that ought to be at the Charter Review Commission and there are certainly issues of high importance that probably should properly be here. As the Charter reads, all three (3): Charter Review Commission, the County Council, and citizen petition can put something before the voters. Does that answer your question?

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: When does the citizen need to come before the Charter Review Commission with an idea for the Charter Review Commission to be able to consider it and get it on the ballot? How far in advance?

Mr. TenBruggencate: Ellen might better answer this. We have a two-year election cycle, and just to work backwards, we try to have our charter amendments that we do propose done by the end of May. We like to go through a couple hearings on them, we meet once a month, so April, March, you know...at the latest, January/February, to give us time to research, consider, allow people if they have an interest, come talk to us. Does that make sense?

Councilmember Kualii: I wanted to ask about bullet voting and plunking. In the councilmember race, because we are one (1) race at-large where everyone is running against everyone, and voters are allowed to vote for up to seven (7), they do not need to vote for all seven (7) for the ballot to qualify. Some voters only choose to vote for one (1), and I guess that is what they call "bullet voting" or plunking or they may even choose two (2) or three (3), but some number much less than seven (7). Me personally, based on all my time as a voter and in government on the continent and here, I feel like that is a system that I do not really see anywhere else and that it is kind of archaic and that to me it diminishes democracy, because many voters are not actually fully selecting all seven (7) members of the Council. Now, a very simple way to solve that would be just to number the seats, so that there are seven (7) council races instead of one (1) council race, where you are trying to get the top seven (7). The top seven (7) in the Primary, you take the top fourteen (14). When you have one (1) race with everyone, it also puts like a forum...it must have twenty (20) people on the stage and the voters do not have the chance to compare and contrast one (1) candidate versus another. If we did it in the primary where there were seven (7) races and each race would have two (2) finalists, and in the General, the voters would actually be picking between two (2) individuals that could be compared and contrast based on their records, based on their proposals, based on resumes, all of that. Right now, we just do not have that, and I see that as diminishing democracy, but you as a Charter Review Commission member and someone who has been involved in local government and understand it, better than I do, so if I said anything wrong, I want you to correct me. Do you see that possibly we need to move in a different direction and make a change, so our voters have more democracy?

Mr. TenBruggencate: I am not currently a Charter Review Commission member, so I will tell you that I personally always vote seven (7), regardless, because I take my voting seriously. I am a naturalized American citizen, I am proud of that, and I am honored by having been allowed to be one. I think it is your responsibility to vote for all the seats. You and I would have to talk more because I am not sure I understand how structurally what you are proposing would work and if I did, I think conceptually it is a good idea. In my experience just having been a reporter for many years and watching campaigns, plunking was a technique used by campaigns and often the campaigns of weaker candidates who thought if they had one thousand (1,000) voters who are going to vote for me, but if they vote for someone else, that person might be the number seven and I would be the number eight, so I am going to tell my supporters to just vote for me, and do not vote for anyone else. It is a mean-spirited way to look at politics, so it is a problem, I agree with you. One of the solutions would be to have seven (7) one (1) member districts.

Councilmember Kualii:

Seven (7), what?

Mr. TenBruggencate: One (1) member district, therefore, everyone is voting in a district, so you are voting one (1) person against another person and having a Primary and a General election. That would be cumbersome. It would be problematic in interesting ways. One of the things we heard when we have in the past considered districting is people saying, "I do not want to only go through one (1) of the seven (7) members of the council, I want more, I want at least four (4), maybe seven (7) members to be accountable to me for my vote, so that they will listen to me when I come to talk to them."

Councilmember Kualii: If you had seven (7) separate races and every race was for an at-large, entire island candidate, you would have that ability. The structure as it is now, allows for plunking, and whether it is mean-spirited or not, it is only natural that some campaigns to give their candidate an advantage would say, "Just vote for our guy." If the structure was built not to be about candidates, but to be about voters and to make sure that the voters had the prime opportunity to vote for all seven (7) candidates, even if their person was in one (1) race, they could vote for their person, and they could vote for the other six (6) and not affect their person. I never talked to anyone from the Elections Division, but all you are doing is instead of one (1) race that takes the top seven (7), you would have seven (7) races that elect them. You do not even have to have districts, all you have to do is say, "Seat number one, seat number two, seat number three, etcetera" and then when campaigning time comes, someone who wants to run for office, has to say what seat number they would like to run in. When someone leaves office, there are vacancies, so instead of them running against this seat, they run for the vacancy, because they feel like they have a better chance going for a vacant seat than to run against an incumbent. It just changes the system and I think it modernizes it.

Council Chair Rapozo: I am going to stop you there, because now we are getting into actually...

Councilmember Kualii: I did not say individuals.

Council Chair Rapozo: No, but we are debating a potential one that is going to...

Councilmember Kualii: I am not debating, I am just telling him.

Council Chair Rapozo: This is an interview for Mr. TenBruggencate to be on the Commission.

Councilmember Carvalho: Yes.

Council Chair Rapozo: Listen, I think the Council should have a discussion on...

Councilmember Kualii: My question, Chair, is not about the Council doing this action. My final question is, and I think you are saying that you agree with the democracy part of it, would you be willing as a new Charter Review Commission member to work on this?



Council Chair Rapozo: That is what I was waiting for, a question. I was waiting for a question rather than dialogue.

Mr. TenBruggencate: We consider everything that comes across the...so, absolutely, we would consider it. We have also considered rank choice voting, which is another approach. I am looking at Lyndon over there, who is not happy about me raising that issue.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: *Aloha*, Jan. I think it is important on the administrative side that really is filtered out that way to get a good understanding, it is not just one (1) or two (2), and I understand that. There is a big part that needs to be on that side, as well as on this side, the Council side, the balance, and then we come together. We can go back and forth on all the different parts, but no matter what happens, you still have to go back that way. I would like to put that on the table and then hear what you think about that. I think it is very important, not only one (1) or two (2), it has to be a total complete very intense discussion on the administration's side and to agree what is important and we work it like that. I know there are internal suggestions, but I just wanted to bring that up.

Mr. TenBruggencate: Characteristically, among the agencies that the Charter Review Commission seeks out information from on potential charter amendments is the Office of the County Clerk, representing the Council. There might be a place given the interests in some of these things for a joint meeting of the Charter Review Commission and Council.

Councilmember Cowden: I would like that.

Mr. TenBruggencate: It would have to be a public meeting, it would have to be announced in advance and just have a free for all, let us talk about some of the issues that we want to address. If there were some specific issues, there might be ones that are better in your terrain and some that might be better for the Charter Review Commission, but I think that might be an interesting conversation. Clearly, we all have an interest in making sure this County runs as well as it can and doing what needs to be done to make sure that is facilitated.

Council Chair Rapozo: Are there any further questions?

Councilmember Cowden: Are you going stay for our discussion?

Mr. TenBruggencate: I am going to step out and then I am going to walk back in.

Councilmember Cowden: Oh, well then, I have a question. First, I want to say I super support you.

Mr. TenBruggencate: Thank you.



Councilmember Cowden: The reason why you are getting all these questions is because our process is, so I am actually speaking to Ellen a little bit, is we mostly interview fresh eyes. It is only the first appointment, so we asked people who have never been in the room, so right now when you are getting these questions, it is not your ability as a candidate, it is this opportunity to get your knowledge from the history. You have a lot to bring to the table. If you were going to sit here, I would just make this be my final comment, but I will ask this as a question. When we look at the weakness of the Charter Amendment, I do want to make an appointment with you later to talk about Morris Shinsato, because I have questions about how and why the Charter was designed. Would you say that the fact that, who was the Board of Supervisors, the former council people, most of them represented different plantations, most of them essentially represented a municipality that took care of the land and all the school? We had little cities that were plantations. The state and the county charter were developed while the plantations were existing, do you think some of the weaknesses in how our wildlands are managed reflects that being under consideration when the County Charter was designed or the State was designed, because we underfund the uplands, we underfund the wildlands, it is not managed well? How much do you think that is a factor of how the charter was designed?

Mr. TenBruggencate: Realistically, as you know, I have an environmental interest in wildland management, but I do not think that your premises are valid in this situation, because they are either state or private lands. The Council has little control, you are not funding that. The Department of Land and Natural Resources (DLNR) is charged by the State with funding that and they are indeed, in my view, desperately underfunded.

Councilmember Cowden: The Charter and the Constitution did not structure proper funding because they relied on the plantations...

Council Chair Rapozo: Hold on, hold on...

Councilmember Cowden: Okay.

Council Chair Rapozo: The Charter is not the funding document; it is the budget.

Councilmember Cowden: I know that, but we do not have any control...like no one has control in the County over the wildlands and the State is not taking care of it...okay, so I...

Council Chair Rapozo: But the Charter defines the structure and how the departments, how many departments, it has absolutely nothing to do with wildlife management. That is a budget issue, whether the Legislature or the Council support...I mean, keep the questions to the application and the Commission.

Councilmember Cowden: I will say what I was going to say in the end then.

Council Chair Rapozo: There is no discussion in an interview. If you want to have a discussion, it will be when the resolution comes up next week, if it pertains to Mr. TenBruggencate.

Mr. TenBruggencate: I just need to step out to make a phone call, I will be right back.

Council Chair Rapozo: No, we are not going to have a discussion...this is a job interview.

Councilmember Cowden: Okay.

Council Chair Rapozo: This is a Commission interview. When the resolution comes up, if you want to have discussion on Mr. TenBruggencate...

Councilmember Cowden: I wanted to state really informed reasons for why I was asking that, so I understand about the budget. I had really solid reasons why I was asking those questions. Those are not false reasons, there are strong reasons.

Mr. TenBruggencate: I am happy to talk to you after.

Councilmember Cowden: I will talk to you another time.

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

Ms. Fountain-Tanigawa: The next interview is for the Civil Service Commission, Piikea Keyes-Saiki.

#### CIVIL SERVICE COMMISSION:

- Piikea Keyes-Saiki – Term ending 12/31/2026

Ms. Ching: Ellen Ching, Boards and Commissions Administrator. Although Missy Piikea Keyes-Saiki was born in Hilo, her family moved to Kailua when she was just two (2) where she attended Kailua High School.

Following high school, she pursued and earned a bachelor's degree in psychology at UH Manoa. As people say, "You can take the boy out of Kaua'i, but you cannot take the Kaua'i out of the boy." Upon graduation, her husband declared, "I love you, but I cannot live on O'ahu, you need to move to Kaua'i."

Missy moved and after a year, fell in love with the slower pace of life and the gentle, kind, and generous people of Kaua'i.

She entered the working world with Kaua'i Medical Clinic or Hawai'i Pacific Health as the Director of Recruitment. This was the start of a 27-year career in the highly competitive field of recruiting physicians and other health care professionals.

In 2005, she accepted the position for Physician Liaison and Recruitment with the Hawai'i Health Systems Corporation which includes the Kaua'i Veterans Memorial Hospital, Samuel Mahelona Memorial Hospital, The Clinics in Waimea, Port Allen, Kalāheo, Po'ipū and Kapa'a as well as the Specialty Clinic in Kalāheo.

Until her retirement in 2015, there was a lot of stress as you can imagine, we often hear about physician shortage in Hawai'i especially on the neighbor islands. Initially, Missy took up jewelry making as a hobby and a stress reliever, but it quickly grew into a business where she sold her work at private parties, craft fairs, the Kaua'i Museum, and other local shops. She enjoyed making jewelry and equally enjoyed meeting all her customers and fellow crafters, many who became close friends. In 2021, Missy decided to close her jewelry business and focus full-time on retirement.

The amazing thing about Missy is how she fully embraces life. She has thrown herself into retirement and is a full-time volunteer at RSVP, American Association of Retired Persons (AARP), Be My Eyes, Letters Against Isolation and at her church, New Hope Kaua'i in Kapa'a. At RSVP, she phones *kūpuna* two (2) times a week to check on them and "talk story." At AARP, she is a strong advocate that works on strategic planning and will be visiting the State legislators in the upcoming Day at the Capitol. Additionally, she is one (1) of only three (3) active AARP Community Volunteers on Kaua'i and will be working with AARP Hawai'i to bring new events to the island in 2024. At Be My Eyes, she takes calls from blind individuals who need help "seeing" a photo of a product, place, or object on the computer or their phone. With Letters against Isolation, she writes a letter every two (2) weeks, it can be someone in a facility or even a different country and at New Hope she leads the local Moms in Prayer International group and co-leads the church's Prayer Team and assists with coordinating the Women's Ministry events.

She is also a proud mom of two (2) successful adults, a daughter in Seattle working at Boeing and a son on O'ahu working as a nuclear engineer. Even though her favorite is anything pasta, her dream trip would be to southern France.

With the national and statewide challenge of recruiting and finding talented staff, I am so pleased that Missy is willing to lend her time and talent to the Civil Service Commission.

Council Chair Rapozo: I assume you would like to be called Missy?

Ms. Keyes-Saiki: Yes, correct.

Council Chair Rapozo: Okay, Missy, thank you for being here and thank you for agreeing to step up. Is there anything you would like to add to that?

Ms. Keyes-Saiki: No, that was complete.

Council Chair Rapozo: Okay. Thank you.

Councilmember Cowden: Thank you so much for being willing to volunteer your time. What brought you into the desire to do this and have you attended a Civil Service Commission meeting?

Ms. Keyes-Saiki: I have not attended a Civil Service Commission meeting before, but I have served on a state commission, the Kaua'i Subarea Health Council, so I am a little familiar with how commissions works. I actually had two (2) current members of the Civil Service Commission ask if I would be interested in serving, so it kind of came onto my lap.

Councilmember Cowden: Okay. That is excellent. I can look at your history and I am sure you are going to be comfortable, because you worked with the union and with the private sector.

Ms. Keyes-Saiki: Correct.

Councilmember Cowden: So, you understand the comparison and contrast and it looks like with your background as a Physician Liaison & Recruitment, you have the experience as Ellen said of retention challenges.

Ms. Keyes-Saiki: Yes, I actually wrote a retention plan for the Physicians at Kaua'i Medical Clinic, when I was there. Recruitment is not successful unless you retain.

Councilmember Cowden: Excellent point. Thank you very much and I appreciate all of your volunteerism and the good work that you do. It makes me comfortable that other people who are on the Commission, are like, "Who do we want?" You want someone who is a hard worker and who is engaged. I appreciate that. It looks like you have some awareness of Hawaiian cultural values.

Ms. Keyes-Saiki: Correct.

Councilmember Cowden: Do you support Hawaiian cultural values as well, as you have some experience?

Ms. Keyes-Saiki: Yes, absolutely. I am actually trying to learn Hawaiian language right now and hoping to take a Hawaiian culture history class at Kaua'i Community College (KCC), I am hoping...

Councilmember Cowden: Excellent. That is just something that comes up regularly as concern from our constituents.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Local girl, public high school, O'ahu girl, relocate to Kaua'i, how much more local can you get? My wife is the same way, local girl from O'ahu, relocate because he husband never wanted to live on O'ahu. You had me right there. Thank you for volunteering. Ellen, this is a gem right here. Her perspective from O'ahu coming to Kaua'i, gem. O'ahu residents who relocate to Kaua'i



see Kaua'i much clearer than people like myself who grew up here. You folks really appreciate this lifestyle and the slower pace, and how well the community is engaged, still yet in government, where O'ahu lost it a little bit.

Ms. Keyes-Saiki: That is so true, I have such an appreciation for Kaua'i.

Councilmember DeCosta: What does Piikea mean?

Ms. Keyes-Saiki: *Pii* is to rise, and *kea* is light. It means ascending light, is what my mom told me, but my favorite translation, there are different ways to translate Hawaiian names, my favorite translation of it is the "first light of dawn."

Councilmember DeCosta: Well, be a light for this commission.

Council Chair Rapozo: Are there any further questions for Missy?

Councilmember Kualii: How did you learn about volunteer opportunities at Be My Eyes and Letters Against Isolation?

Ms. Keyes-Saiki: After I retired, I was just searching for purpose, so I went on the internet, it took me months to find. Some of those are unusual or not as common, people are not as familiar with them. I just dug and dug and dug and I found them. Be My Eyes is one of my favorites, you get to be a sighted volunteer for someone who is not sighted, there is an app and a camera that they can use. I encourage anyone to look into that if that sounds like it might be of interest to you, and you get to be a sighted volunteer for someone with vision issues.

Councilmember Kualii: Thank you so much for all that you do and thank you for being willing to step up and serve.

Ms. Keyes-Saiki: Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: The next interview is for the Board of Review, Christopher White for a term ending December 31, 2025.

Council Chair Rapozo, the presiding officer, relinquished Chairmanship to Council Vice Chair Kualii.

*(Council Chair Rapozo was noted as not present.)*

#### BOARD OF REVIEW:

- Christopher A. White – Term ending 12/31/2025

Mr. White: Good morning.

Ms. Ching: Ellen Ching, Boards and Commissions Administrator. Chris White was born in Santa Monica, California and moved to Wailua Homesteads with his family at the age of two (2). He attended Kapa'a and St. Catherine's schools and Miraleste High School in California.

Chris continued his education at Kaua'i Community College (KCC) earning an Associate of Arts Degree in 1981 while working at Electronics Unlimited in Kōloa and waiting tables at Plantation Gardens.

At KCC, Chris mentioned to one of his professors he was planning a trip to Indonesia after graduation. The professor told him that for just a few hundred dollars more, he could travel around the world. Chris jumped at the opportunity, sold almost everything, and took a year off traveling to Australia, Southeast Asia, Europe and hopped over to the Big Apple, New York City before continuing back to Kaua'i.

Hurricane Iwa hit a week after Chris returned to Kaua'i. Plans for going back to former jobs were replaced by clean up and construction. One project was helping set up a honey bottling plant in Nāwiliwili for his brother, Bob. Chris stayed on and helped run the facility, processing and packaging Hawaiian honey for grocery stores, hotels, and bakeries statewide.

After helping build up the honey company, Chris decided to become a real estate appraiser and was hired by First Nationwide Bank as their Kaua'i trainee before starting his own business. This was the humble beginning of Appraisal Company of Kaua'i and a 25-year career.

Chris is a fantastic multi-tasker and during this time he also went back to school and earned his Bachelor's degree in Professional Studies/Business Administration at UH/West Oahu's weekend college held at KCC in addition to working and raising two (2) children with his wife.

Chris' son and daughter are both Kaua'i High School graduates. His son followed up at UH Hilo and earned a degree in environmental science and is a recycling specialist for Hawai'i County. His daughter spent five (5) years as a guidance counselor at Kapa'a High School then decided to return to university. She recently graduated from Duke with a law degree and is now an attorney working with mergers and acquisitions in Palo Alto. Both would like to return home to live. Like many Kaua'i parents, that is his dream too.

With the children now grown, he can spend more time hiking and gardening. He and his wife grow bananas, citrus fruit, sweet potatoes, and 'ulu. Together they also enjoy traveling to go hiking and do winter sports. One of their most recent trips was to ski in Hokkaido, Japan and attend the Ice Festival. They are currently planning to return to Hokkaido in February as well as New Zealand and Australia in April.

Prior to all the travel, Chris "huied" with his brother, Mark, and bought a property in 'Ōma'o at age nineteen (19) on an agreement of sale. Chris designed and built a small home at age twenty-five (25) where he raised his kids and still lives.

The Board of Review is one of the more technical Boards, most of their time is spent on tax appeal hearings. Chris has previously served on the Board of Review and with the unfortunate resignation of two (2) of the five (5) members, I am so grateful that Chris is willing to serve and volunteer his time and considerable professional and specialized expertise as an appraiser and former member of the Board of Review.

Councilmember Kualii: Mr. White, is there anything else you wanted to add?

Mr. White: No. I am grateful for the opportunity to serve and honored to be asked to return.

Councilmember Kualii: Are there any questions for Mr. White?  
Councilmember Cowden.

Councilmember Cowden: I am glad you are returning. You have a really excellent background. I appreciate your background; it is super appropriate. What gives you the willingness? Have you enjoyed being on the board? It is a really rough board to be on, by the way.

Mr. White: It is a rough board.

Councilmember Cowden: I honor you for being willing to continue to serve. Especially in this time of rapid inflation. What gives you the strength to keep going?

Mr. White: I feel it is an important board and I have the time and background, and it is an opportunity to give back. I find it challenging, but also rewarding too. It has helped several residents, and it helps to be the feedback between members of the Department of Finance and the public. It has been helpful to me to facilitate that exchange.

Councilmember Cowden: Thank you.

Councilmember Kualii: Councilmember Bulosan.

Councilmember Bulosan: Thank you for wanting to serve again. As you mentioned, it is a very important board, with the recent challenges that we have been facing. From your perspective, with previous experience to now potentially going back, what would you say is the most difficult part of volunteering for this board?

Mr. White: I do not perceive it as difficult, as much as just following the guidelines. The most important thing to me is making sure the appellants are heard, they feel like they are being heard, and their concerns are considered, but also keeping it in the context of the parameters of what we are allowed to do and how we are able to help the public, the times or just bring better understanding to the process.

Councilmember Bulosan: Great.

Councilmember Kualii: Thank you.

Councilmember DeCosta: Thumbs up, Mr. White.

Mr. White: Thank you.

Councilmember Carvalho: Thank you for serving. Great job.

Councilmember Kualii: *Mahalo nui loa* on behalf of the Council Chair as well for stepping up and giving us your expertise and experience and coming back to the Board of Review. Thank you.

Mr. White: Thank you.

Ms. Fountain-Tanigawa: The last interview is for the Board of Review, Jody Kjeldsen, for the term ending December 31, 2026.

#### BOARD OF REVIEW:

- Jody H.K. Kjeldsen – Term ending 12/31/2026

Ms. Ching: Lastly, I am pleased to introduce Jody Hanako Kono Kjeldsen. Jody is a local gal born and raised on Kaua'i.

Upon graduating from Kaua'i High School, she attended Washington State and transferred to Arizona State University where she earned a Bachelor's degree in marketing.

She then returned to Kaua'i and served as the marketing manager for Grove Farm Land Corp. After a couple of years with Grove Farm, she was offered a position with the Hawai'i Convention Center in sales and marketing.

Jody lived on O'ahu and worked at the Convention Center for eight (8) years. During this time, she met and married a New Zealander. When it came time to decide whether to stay on O'ahu or move to New Zealand, a compromise was struck when her husband was offered a position on Kaua'i in the Fire Department.

In 2005, back on Kaua'i, Jody succeeded Margy Parker as the Executive Director of the Po'ipū Beach Resort Association. As the Director, Jody's primary responsibilities were to market and promote the Po'ipū area as a world-class destination and provide destination support.

When the Association dissolved in 2020, Jody became a creative entrepreneur opening a little boutique at the Warehouse 3540. Her shop, Hanako, specializes in items designed and/or handmade in Hawai'i, along with their own line of jewelry and clothing.

At the same time, Jody studied to become a real estate agent and obtained her license in 2022. She also does contract work for the non-profit, Po'ipū Beach Foundation.



There she writes grants and manages events like the Po'ipū Wine Festival and New Year's Eve Fireworks Celebration.

Jody is also an expert juggler, as a wife and a working mother of two (2) active girls ages thirteen (13) and sixteen (16). Both girls are volleyball players, swimmers, surfers, and canoe paddlers. Both are following in their mom's footsteps who enjoys being in the ocean, especially surfing, as well as hiking and yoga.

Jody loves traveling. Their last trip was to New Zealand to visit family, where they opted to travel via camper van, giving them the freedom to roam and discover many of the hidden out of the way destinations at their leisure. Her near-future bucket list includes Portugal and France.

With Jody's wide range of experiences, I am thankful that she is willing to volunteer her time and talents to the Board of Review.

Councilmember Kualii: Jody, would you like to add anything?

Ms. Kjeldsen: I think she covered it all.

Councilmember Kualii: Councilmember Cowden.

Councilmember Cowden: This is your first time serving on a board or a commission, and this is a big responsibility, and you are basically the safety net for the impactful decisions that we make, and we are making several changes to our real property tax this year. That would probably mean some undoubtedly unexpected outcome. Have you ever attended a Board of Review meeting?

Ms. Kjeldsen: I have not.

Councilmember Cowden: Do you understand what it is?

Ms. Kjeldsen: I understand in its simplest terms what it is, but I am looking forward to learning more fully what the function is.

Councilmember Cowden: I think you are going to have a robust education. I want to thank you for your willingness, and I am just telling you ahead of time, it is a full-time job. You are self-employed. It may not be a full-time job, but it is a big job. Thank you.

Ms. Kjeldsen: I appreciate the heads up.

Councilmember Kualii: Councilmember DeCosta.

Councilmember DeCosta: I am amazed you are sitting there with a beautiful smile and I know you are a little nervous.

Ms. Kjeldsen: Yes.

Councilmember DeCosta: You mentioned your husband as the other candidate, but you do not mention the name. I want you to recognize your husband. Who is he in the Kaua'i Fire Department (KFD)?

Ms. Kjeldsen: He is Maui.

Councilmember DeCosta: Oh, my gosh, I knew it. Your husband and your daughters came to Koke'e with me.

Ms. Kjeldsen: And they always talk about you.

Councilmember DeCosta: He talked about you the entire time. I want to set you at ease and all of you who are running for boards or commissions, when you first get asked and serve on a board or commission, you do not know about the board or commission, because it is your first time. When we get elected, we do not know how to be a councilmember, because we never served. Therefore, do not be nervous. You trust who you are, you trust your instinct, your education, your lifelong lessons, and go do an excellent job.

Ms. Kjeldsen: Thank you.

Councilmember DeCosta: We got your back right now. Thank you.

Councilmember Kualii: Councilmember Carvalho.

Councilmember Carvalho: Jody.

Ms. Kjeldsen: Good to see you.

Councilmember Carvalho: Nice to see you again and just all the things you have done in so many ways, I just wanted to *mahalo* you for stepping up. I know you will be a big part of this commission, because you have a lot of experience and understanding in your own way.

Ms. Kjeldsen: Thank you.

Councilmember Kualii: Absolutely, especially for being a first-timer, we need more of you. For sure, no one should be discouraged because all you are asked to do is bring who you are; your background, your experience, and I think that diversity and serving on any commission or even serving on this Council is what serves our people. Our people come from diverse backgrounds. Councilmember Cowden.

Councilmember Cowden: I want you to know that I totally believe in you, so just in case that was misunderstood by the comments afterward. I was trying to say that a lot of these boards or commissions are very important, and this one is a heavy lift, so it is (inaudible) on the Planning Commission or the Council. It is not easy to make people happy, so I am just letting you know, thank you. This is the only time we get to talk to you folks. We had two (2) delayed reappointments, so we got to talk to them, but when someone is fresh, it is all going to be a new experience for you. You are

appreciated and I have the confidence in what your background is and it gives a little bit of balance, because we have an appraiser and then we are going to have someone who is coming in with a lot of experience from both nonprofit and the resort association. We need a balanced board, so thank you, Ellen. As you know, I have attended the Board of Review Commission meetings and watched it and we need an entire hand of cards, not all the same skillset, so you are bringing in a fresh perspective.

Ms. Kjeldsen: Thank you.

*(Council Chair Rapozo was noted as present.)*

Councilmember Kualii returned Chairmanship duties to Council Chair Rapozo.

Councilmember Kualii: Thank you. If you have any concerns at all, Ellen is the best and she can help you. Thank you.

Council Chair Rapozo: Sorry, I missed the entire interview, I had to attend a National Association of Counties (NACo) meeting, but I have known Jody from “baby time” and I have seen you work throughout the years in all types of capacities, whether a professional capacity or your community capacity, and I have total faith and confidence that you will hit the ground running. Thank you for agreeing to serve.

Ms. Kjeldsen: Thank you. Absolutely.

Council Chair Rapozo: Thank you, Ellen. Can we have the next agenda item, please?

#### CONSENT CALENDAR:

C 2023-242 Communication (10/24/2023) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kauai:

##### Board of Ethics

- Ryan de la Pena – Term ending 12/31/2026

##### Board of Review

- Stella Fujita – Term ending 12/31/2026

##### Charter Review Commission

- Coty Trugillo – Term ending 12/31/2026

##### Civil Service Commission

- Jeffrey S. Iida – Term ending 12/31/2026

## Cost Control Commission

- Andre N. Lister – Term ending 12/31/2026
- Paul A. Pancho – Term ending 12/31/2026

## Liquor Control Commission

- Lorna A. Nishimitsu – Term ending 12/31/2026
- Tess Shimabukuro – Term ending 12/31/2026

## Planning Commission

- Gerald T. Ako (*Labor*) – Term ending 12/31/2026
- Helen A. Cox (*Environmental*) – Term ending 12/31/2026

## Police Commission

- Mary Kay Hertog – Term ending 12/31/2026
- Walton D.Y. Hong – Term ending 12/31/2026

C 2023-243 Communication (11/06/2023) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointments to various Boards and Commissions for the County of Kaua'i:

## Kaua'i Historic Preservation Commission

- Lee S. Gately (*At-Large*) – Term ending 12/31/2026

## Public Access, Open Space, Natural Resources Preservation Fund Commission

- William Kinney (*Anahola to Hā'ena*) – Term ending 12/31/2026
- Mai Shintani (*At-Large*) – Term ending 12/31/2026

Councilmember Kualii moved to receive C 2023-242 and C 2023-243 for the record, seconded by Councilmember DeCosta.

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

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

The motion to receive C 2023-242 and C 2023-243 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

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



COMMUNICATIONS:

C 2023-244 Communication (11/07/2023) from the Fire Chief, transmitting for Council consideration, A Bill For An Ordinance To Amend Ordinance No. B-2023-891, As Amended, Relating To The Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2023 Through June 30, 2024, By Revising The Amounts Estimated In The General Fund, for the purchase and delivery of one (1) of factory-made fire engine for the Kalāheo Fire Station.

Councilmember Cowden moved to receive C 2023-244 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: This is the communication for the bill that will come up later, but I will take any testimony upfront today, and your testimony for the communication will be applied to the relating bill. I see KFD present, we will get you folks up here to do your presentation now, so you folks can get back to work.

There being no objections, the rules were suspended.

MICHAEL GIBSON, Fire Chief: Good morning, Chair Rapozo and Members of the County Council. Michael Gibson, Fire Chief.

Council Chair Rapozo: Do you want to provide us with an overview? You are requesting a money bill to transfer funds from the General Fund to purchase a factory-made fire engine for the Kalāheo Fire Station.

Mr. Gibson: That is correct. This is to replace the Kalāheo fire engine, which was due to be budgeted for with last year's fiscal budget, however, we wanted to take the opportunity, the annual Federal Emergency Management Agency (FEMA) grants, Assistance to Firefighters Grants Program (AFGP). We thought we had made a good presentation to get our application to FEMA to get a fire engine via a grant, which would have been about a ten percent (10%) match for us. The period opened...we sent our application before the deadline, which was approximately April 1<sup>st</sup> of last year. The award period closed September 30<sup>th</sup> and we did not receive the award. We met with Managing Director Matsuyama and looked at what we will be asking for with Fiscal Year (FY) 2025 budget. We needed this engine to get on the docket last year because of the manufacture time delay, they are taking two (2) to three (3) years now. We are asking for this today rather than waiting until the next FY budget, just because of the manufacture time it will take to be delivered. We do have our previous two (2) fire engines under construction now, they are being built with an estimated delivery date of April of 2025, and that would be for Kaiākea and Hanapēpē.

Council Chair Rapozo: Thank you very much. Are there any questions? Councilmember DeCosta.

Councilmember DeCosta: Thank you for all you do. I want to recognize you brought one of your assistants, who is at the back, Mr. Jayson Pablo, I want to thank him personally. How important is this fire truck? You do not have to sell it to

me, Chief. Public safety is the number one thing our tax dollars should be used for: Police and Fire, number one thing. Everyone forgets that. They are the ones who keep our community safe. Educate the public on how important it is to have a fire truck operating and when you go to a fire, and something does not work well on that truck.

Mr. Gibson: Definitely, very critical for us. Thank you for the question. Our fire engines not only carry the firefighters to the scene, but fire engines also carry seven hundred fifty (750) gallons of water, with the hoses that connect to a hydrant or a water supply. Being that our water supplies are not the best in all areas of the island, seven hundred fifty (750) gallons is huge. The mainland and bigger cities fire departments can get away with five hundred (500) gallons or less, but we cannot. We need that water supply, and we need those vehicles to start. We have a good maintenance program with our mechanics, we have eight (8) of our fire stations that need an engine of this type. Kōloa is a little bit different, it has an aerial ladder on top, but each of these fire engines, out of all our eight (8), three (3) need immediate replacement, those two (2) that I mentioned before, they are on their way, plus Kalāheo. We do have a reserve fleet, we have three (3) fire engines in the reserve. Typically, when the engines get between twelve (12) and fifteen (15) years old, they are not as dependable, so we use them as training or as a reserve in case the frontline breaks down. Our three (3) reserve engines unfortunately are old. They are sixteen (16), nineteen (19), and twenty-one (21) years old. There are two (2) of those that need to be used today because other ones are in for maintenance. These next three (3) engines that will come in, we will be able to take our three (3) oldest and put them as reserves, by the time they are reserves, those three (3) reserves will need to be replaced. KFD, historically has done a good job with looking forward and planning for replacements, we got bit by COVID-19 and the parts and supply chain. We really believe with this approval of the Kalāheo fire engine, it is going to get us back on track.

Councilmember DeCosta: You mentioned about carrying that number of gallons of water. I do a lot of research on this because I am a fan of KFD. There are trucks in the mainland that have hydrologic pressurized pumps that you folks can take water out of a reservoir or a ditch, pressurize it. Do your engines have that availability also?

Mr. Gibson: Yes, we do.

Councilmember DeCosta: Perfect. You also mentioned that some of our trucks are sixteen (16), eighteen (18), and twenty-one (21) years old.

Mr. Gibson: Yes.

Councilmember DeCosta: We have a good maintenance system on our trucks here on the island; who does the maintenance on our fire engines?

Mr. Gibson: We have two (2) mechanics that are dedicated solely to KFD. They are very responsive and do a great job for us. I will tell you that our lack is the maintenance facility. We do not have a proper fire shop. We do not

have a place where we can go and lift the truck up to the hydraulic platform. We are working. The Department of Public Works does have that facility and when they have space available, they make room for us. If there is a need, we help them out. It would be great, someday in the future, to have our own, but we know that is a long way away. We do a good job with what we have.

Councilmember DeCosta: Thank you. I am glad you mentioned the Department of Public Works because I am the Committee Chair of the Public Works & Veterans Services Committee. My lead engineer is here, and he is a very good man, so thank him, Troy Tanigawa, for working with you to have that lift available for your trucks.

Mr. Gibson: I will name Russell Izumo, who does a great job for us.

Councilmember DeCosta: Thank you for naming Russell. Did we forget anyone else?

Mr. Gibson: Our mechanics: Matt Simao, Lance Gonsalves, I can go on and on.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I do remember you bringing this up in the budget last year and you were hopeful to do it. This year, I want to encourage you to do this again, but I think what we learned is that you will put whatever you need in the budget, so it is coming from an equity fund balance, it says, "Unassigned," does that mean that we have enough around from unfilled jobs? Do you know where this comes from?

Mr. Gibson: This is a money bill ask, so it is from our department.

Councilmember Cowden: It is just coming from our General Fund?

Mr. Gibson: Yes.

Councilmember Cowden: I am sure we have it in there.

Council Chair Rapozo: It is the reserve, basically the surplus.

Councilmember Cowden: It is coming out of the...

Council Chair Rapozo: The General Fund.

Councilmember Cowden: Alright. You said that it is taking three (3) years to get a fire engine?

Mr. Gibson: From the time of order, yes.

Councilmember Cowden: Okay. That is good for us to know too, as we look at the next budget.

Mr. Gibson: In working with our vendors, the demand is so high, there used to be demo or stock fire engines available, you could purchase them whenever you wanted to, but they are all gone because of the supply chain and the delay in delivery. They do have vehicles that fall out of contract, and they are available for a day, or two (2) days and they are gone. Ever since we submitted this to the Managing Director, we have had two (2) phone calls, "If you have the money today, we have the fire engine for you," but we have to go through procurement, invitation for bid, but this opens up the door for us. We know what the worst case scenario, it is going to be two (2) to three (3) years, but if at the time we open up our bid, one (1) of these falls open...

Councilmember Cowden: I want to acknowledge that we had our Hawai'i Fire Chiefs Association this past month, it was great, I was glad to be there. I got the impression that it is all custom, so if something comes up, is that truck already built, everything is already built on it, so it would not be customized for what we need?

Mr. Gibson: Correct. The customization is anything from the intake supply, so deciding if we want to connect the hose from the hydrant, whether it be the driver's side, passenger's side or the front, there are different needs in different areas of the country. At this point, with how old our apparatus is, if someone has it on the back instead of the front, we will take it.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Where do the old trucks go? I think there is a graveyard someplace. What do we do with the old trucks?

Mr. Gibson: We transition the ones that are still operable and do not cost us too much money to use for training. We use it as a spare apparatus, some will be parked at the fire stations, you will see an extra fire engine behind Kapa'a Fire Station or at Kōloa. If we stop using them and they become too expensive to repair, then they will get auctioned off. The last two (2) we auctioned off last year, the minimum opening bid was five hundred dollars (\$500) and we could not get five hundred dollars (\$500) for them. I know there were two (2) that a previous person bought, and they are way off parked on the road, but there are not others. Any of ours or was previously ours have been stripped of all emergency lighting and any County emblem. The last two (2) that did not sell at the auction went to Puhi Metals Recycling.

Council Chair Rapozo: Oh, so it does go to recycling?

Mr. Gibson: Yes.

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



Councilmember DeCosta: With the Hanalei and Kilauea area and the distance between the two (2)...and we have tossed around the new fire station, I do not know if it will ever happen, but having one of these trucks that was not too expensive to maintain, parked out there in Kilauea to be like a buffer truck, would that be something that we can talk about, something that you folks might think could be used? Would that have to be staff with personnel, because of the union?

Mr. Gibson: What I did not mention is that because of the August 8<sup>th</sup> fires and us getting prepared for our wildfire mitigation and protection within our department, we know that we are going to add two (2) additional water tenders. We have one (1) water tender stationed at Līhu'e, so as the fire engines carry seven hundred fifty (750) gallons of water, the tender carries two thousand (2,000) gallons of water. Highly effective piece of equipment. We want to add two (2) to our fleet. We already transferred money within our budget for one (1), so that we can get one (1) water tender on the books, and that invitation for bid will be going out soon, if not, already. We will budget for another water tender in FY 2025. We would like to strategically place three (3) across the island, so maintain one at Līhu'e central, one (1) on the Westside or Kōloa, and the third one somewhere between Kaiākea and Hanalei. Kaiākea has the room, but it is not ideal because of the corrosion and the salt water.

Council Chair Rapozo: I just want to focus it back on this specific Kalāheo Fire Station. We will have the discussion when we get to budget, we will have an opportunity to express ourselves or ask our questions.

Mr. Gibson: Okay.

Council Chair Rapozo: Any further questions on the money bill? If not, thank you. Is there anyone in the audience wishing to testify?

ALICE PARKER: Alice Parker, for the record. KFD needs people power first, men and women, and they forgot to have fire trucks with water. Twenty (20) years ago, I was feeding the cats at the gift shop at the hospital, and the head of the hospital wanted to put them down, because they were spreading diseases. I had a petition around Sun Village for people to sign, because I had seen those cats carrying rats in their mouths coming out of Sun Village, so let them live their lives, folks. While I was sitting there feeding the cats, because the manager was not around to feed them, I was watching a helicopter go to get water from the reservoir for a fire. He made a couple trips. The last trip, he did not come back. Evidently, he had crashed into the water. We need to have something more efficient than helicopters getting water out of reservoirs. We need good trucks with plenty of water. Thank you.

Council Chair Rapozo: Thank you. Jill.

JILL LOWRY: Good morning. Jill Lowry, Anaina Hou Community Park. Very brief comment. There was an article this morning in Civil Beat that talks about KFD's purchases and how it will take decades to replenish that equipment. Maui has extremely good equipment, ours are behind the time, and because of that lag in shipping and purchasing, I would really like to encourage you

to consider this request very seriously. The longer it takes, the more jeopardy we face. Lahaina and Maui really underscored that. That is all. Thank you.

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

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

The motion to receive C 2023-244 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: If there is no objection, I would like to take C 2023-246 next, so we can get KFD out of here.

There being no objections, C 2023-246 was taken out of order.

C 2023-246 Communication (11/13/2023) from the Fire Chief, requesting Council approval to receive, accept, and expend State funds, in the amount of \$580,000.00, from the State Legislature, which will be used for Water Safety Officer positions and equipment including vehicles and lifeguard towers at Kē'e Beach, Hā'ena State Park, from July 1, 2023 through June 30, 2024.

Councilmember Kualī'i moved to approve C 2023-246, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is State funding to pay for the lifeguard services that we provide for the State out at Kē'e Beach.

There being no objections, the rules were suspended.

Mr. Gibson: This will cover the salaries of all the Ocean Safety Officers at Kē'e, and also there is one hundred thousand dollars (\$100,000) added to this year to help fund new equipment. Last year, we received one hundred thousand dollars (\$100,000) midyear from the State in equipment, which we had received since the (inaudible) of the first memorandum of agreement (MOA) back in 2008. We have been replacing vehicles, all-terrain vehicles (ATVs), all the rescue equipment. We got caught up last year with that and this year the one hundred thousand dollars (\$100,000) will go toward replacing the lifeguard tower at Kē'e, which is a big plus for us this year.

Council Chair Rapozo: Perfect. Thank you. It is always good to use the State's money. Are there any questions of the Chief? If not, thank you. Is there anyone in the audience wishing to testify?

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

The motion to approve C 2023-246 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

C 2023-245 Communication (11/09/2023) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$780,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of state and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives. This grant has a three-year performance period with no cost-share requirement.

Councilmember Kualii moved to approve C 2023-245, seconded by Councilmember DeCosta.

Council Chair Rapozo: I apologize, we need to take our caption break.

There being no objections, the Council recessed at 10:30 a.m., for a caption break.

The meeting reconvened at 10:45 a.m., and proceeded as follows:

Council Chair Rapozo: I will call the meeting back to order.

There being no objections, the rules were suspended.

ELTON S. USHIO, Emergency Management Administrator: *Aloha*, Elton Ushio, Emergency Management Administrator. Once again, we come before you today to receive and expend the Homeland Security grant program funding, which is from the Department of Homeland Security, but passthrough the State Department of Defense of seven hundred eighty thousand dollars (\$780,000), non-matching grant, three-year performance period for our use and preventing, preparing for, mitigating against, responding to, and recovering from potential acts of terrorism and other threats. In our jurisdiction, we have historically used that funding to enhance our public safety and first responder capabilities, for your consideration. We have a balanced list of investments that benefit our primary three (3) agencies: Police, Fire, and KEMA. It is intelligently mapped out so that we can maximize the benefit of the grant reducing the burden on our County General Fund.

Council Chair Rapozo: That is always appreciated. Councilmember DeCosta.

Councilmember DeCosta: Koke'e always worries me. You and I both know the deep terrain and that level of notification if something is happening, whether it is Homeland Security, flash flood, a natural disaster of some sort, for some reason we have no cell phone reception up in that deep area that leads all the way back to Waialeale. We do not have any type of satellite tower that could relay a message. How do we correspond with that group? I know it is a small group, but I am one of those in that group, and I know you are, that if something is happening, how would they know? If we are riding our mules above Mokihana where we call



Waialai, there is no cellphone reception. Is there something that we are thinking about doing in the future or is that not something we are looking at?

Mr. Ushio: With the expansion of the FirstNet, Public Safety Broadband Network, I know a tower was built up in Koke'e area with some improvements in coverage, but other than that there is very limited technology that can reach that population. Some things that may be possible, we work closely with the Civil Air Patrol and for any major threat, we have them fly coastal and isolated areas around Kaua'i and Ni'ihau. We can add Waimea Canyon or a central area to that flight plan, if need be. Possibly do that last, because coastal would exceed impacts first if it is tsunami or storm. Another thing, personally I do carry a satellite text message device when I am off the grid.

Councilmember DeCosta: I know we had this conversation before, would that be a possibility of a satellite phone up in that Waialeale area where we have our wildlife cabin, in like a sealed box like how you do a fire hydrant or like an automated external defibrillator (AED) up in Koke'e, so no one can steal it, but somehow it can be used in case there is an emergency? Have you folks given thought to that?

Mr. Ushio: We have not, but we can most definitely have that discussion with our partners at the Department of Land & Natural Resources.

Council Chair Rapozo: Again, I want to remind Councilmembers, the discussion is on this grant, which is specific to the six (6) items. I believe for Councilmember DeCosta's question, is that something that this grant would be able to cover? You do not have to answer that right now, but please keep the questions to these six (6) items and the Homeland Security Grant. Councilmember Cowden.

Councilmember Cowden: There is Starlink...when we are looking at some of this as the communication, I just think, well, use Starlink, right? I meant the people who are out in the ocean that are the longline fishermen, I hear from them on Starlink and maybe that can be in the grant. We can just use something like that. That interacts with regular phones.

Mr. Ushio: Councilmember Cowden, one (1) of our investments will include two (2) packages that...two (2) units or pieces of equipment that will utilize Starlink technology and mesh that with our FirstNet Broadband, so it will be deployable to specific areas on the island that are affected or isolated and we can have half mile range operating area where first responder cellular devices voice and data will work.

Councilmember Cowden: Okay.

Council Chair Rapozo: Perfect. Are there any further questions?  
Councilmember Carvalho.

Councilmember Carvalho: For the all-hazards and terrorism part, can you talk about that briefly?



Mr. Ushio: The original purpose, these grants started very early in my career at KEMA when we were Civil Defense. This month marks my twentieth year with KEMA or Civil Defense, and it started because of the nation's response to the 911 terror attacks and increasing our capability in all areas be it in training and exercises, equipment, plans, operationally, etcetera. While we have been relatively good in Hawai'i and on Kaua'i as far as acts of terrorism, we still need to maintain these capabilities. With these funding opportunities, we have used it to augment our first responder and public safety capabilities for all hazards.

Councilmember Carvalho: Okay.

Councilmember Cowden: You do not have to go into real detail, because I appreciated your team coming and meeting with me, and answering all my questions, but I just want to maybe have you share a little bit that this reduces the risks to our first responders. Do you have something to say about that? I was really pleased at how this will help many people on the island, it will put our fire and first responders at less risk. Is there anything you want to share on that?

Mr. Ushio: As the Administrator, though I sign the letter, the bulk of the work is done by staff. I have a staff officer Diane DeHart with me today, I have our Accountant Robyn Nakata, and I have various partners who did all the heavy lifting from KPD and KFD here. They are much better prepared to speak specifically to benefits. If you would like me to have them come up, they are ready.

Councilmember Cowden: I would just want you to say whatever you might want to say. We spent some time together, I was really pleased and whatever you do want to share on how this will be good for our firemen, this would be good for our lost people, this would even be good reducing cost when we do rescues.

Mr. Ushio: I can speak about the KEMA items, or if Diane wants to speak about the KEMA items, and then we will offer our partners at KPD or KFD a chance to share.

DIANE DEHART, Emergency Management Staff Specialist II: My name is Diane DeHart, I am a staff officer here and I will speak about the two (2) items that we are spearheading as far as KEMA projects. The first one is the compact deployable communications system, and Elton spoke on it a little earlier, which is our Starlink. That will enable us to have access to remote areas that we are speaking on. It is small and compact, which is the key feature. It is a tiny suitcase of (inaudible) pounds and it can fit on a helicopter, so that is cutting edge technology that we want to have onboard and on our island. The second piece that we have is the Emergency Operations Center (EOC) upgrades and the Uninterrupted Power Supply (UPS). As you know, you have been in the EOC, our chairs are getting old and we definitely need some battery backup. We need that component of this upgrade, and some new computers. Those are some line items we have on this year.

Councilmember Cowden: "EOC" means, Emergency Operations Center, and "UPS" is Uninterrupted Power Supply, so they got a really amazing room in there with all these big screens, but those big screens and that equipment have been in

there for quite some time, so we are upgrading them. We are upgrading them and then for some of our search and rescue, there will be ways that we can find people at night or find people really quickly. I was very pleased to see it as the Public Safety & Human Services Committee Chair. I thought it was a great group and things from KPD and that would be moving us forward that will hopefully help us even with our traffic safety when we have accidents, and that will be quicker. I do not know if KPD wants to say anything. My questions are answered, but if the rest of you have questions about it.

Mr. Ushio:

Our partners are ready to speak.

Council Chair Rapozo: Are there any further questions? If not, I will take some public testimony and be prepared to come back if we have some questions from the community. Your transmittal was very self-explanatory, I appreciate the detail and the request.

Mr. Ushio:

Thank you.

Council Chair Rapozo:

Ms. Parker.

Ms. Parker: Alice Parker, for the record. I wanted to touch on the communications, like the telephone lines up there, because I was up in Koke'e about fifteen (15) years ago with two (2) neighbors, three (3) of us from Sun Village. One (1) of my neighbors was in her seventies and she had a stroke. Luckily, there was an ambulance there. I ran to the ambulance, and they came immediately, but they were trying to get through to the hospital to accept this incident and it was difficult. They finally were able to get through by the museum. We need some standing poles there for emergencies for not just calling the Fire Department but getting word to the hospital. Thank you.

Council Chair Rapozo:

Thank you. Is there anyone else?

Ms. Lowry: Good morning. Jill Lowry, again. Chief Executive Officer (CEO) of Anaina Hou Community Park. The reason why I am speaking on this, which is a little bit unlike what I would normally respond to, is we are also applying for a DOD security grant. We see about two hundred thousand (200,000) to two hundred fifty thousand (250,000) people per year on our campus, and there have been concerns about people that might want to utilize the soft targets that we have in abundance whether it is at the farmers market or a concert. It became a concern, so we are going to apply for our own security system. I want to underline the fact that because we have not seen any of these things, does not mean that we might not in the future. The terrorist part, even if that is remote, is not without possibility and as a public entity, there are lots of open spaces here. Whatever KEMA can do, I fully support the money that might come to them. Thank you.

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

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

Councilmember Cowden: Can we see if KPD would like to share anything? Do you folks not have questions?

Council Chair Rapozo: If you have questions, we can bring them up. I do not have any questions.

Councilmember Cowden: Okay.

Council Chair Rapozo: If anyone has questions, we can bring them up. Unless KPD wants to come up. Your letter is very clear, you folks want funding, you specified what you wanted funding for, but if someone else has questions, we can bring them up. I much rather see them back on the street than here waiting to answer questions that have been answered in the transmittal. Councilmember DeCosta.

Councilmember DeCosta: Thank you for that, Council Chair. We waste too much time asking nonsense questions.

Council Chair Rapozo: They are not nonsense questions.

Councilmember DeCosta: They provided good information, and we can adjourn them.

Council Chair Rapozo: It is not about "nonsense," if you have a valid question, we will bring them up, but if not, let us move.

Councilmember Cowden: Alright. I spent quite some time with them, got some great answers, and they have a lot of good products.

Council Chair Rapozo: Perfect, then we are good. The motion is to approve. Is there any further discussion?

The motion to approve C 2023-245 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

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

C 2023-247 Communication (11/15/2023) from the Housing Director, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and are no longer of use or value, and includes Finance and Accounting records, which have been retained more than seven (7) years, and Section 8 Housing Choice Voucher Program records, which have been retained for at least three (3) years.

Councilmember Kualifi moved to approve C 2023-247, seconded by Councilmember Carvalho.

Council Chair Rapozo: Are there any questions or discussion? Is there anyone in the audience wishing to testify?

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

Councilmember Cowden: I already asked my questions to them, and he answered them.

Council Chair Rapozo: Perfect.

The motion to approve C 2023-247 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

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

Ms. Fountain-Tanigawa: We need to convene into Executive Session first, before taking C 2023-248, so the Council can move to C 2023-249.

There being no objections, C 2023-249 was taken out of order.

C 2023-249 Communication (11/21/2023) from the Executive on Transportation, requesting Council approval to purchase six (6) non-budgeted buses with Federal Transit Administration (FTA) Section 5311 American Rescue Plan Act (ARPA) funds. These buses are beyond the thirteen (13) originally budgeted for and included in the County's Statement of Equipment Purchases for Fiscal Year (FY) 2023-2024. The Transportation Agency was provided additional funds to purchase these additional vehicles without requesting any additional County funds.

Councilmember Kualifi moved to approve C 2023-249, seconded by Councilmember DeCosta.

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

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

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

Ms. Parker: Alice Parker, for the record. Buses are fine, drivers are something else. I really resent having drivers decide that some stops are optional. I have been left stranded at the Lihu'e Neighborhood Center four (4) times recently, and I really think the drivers need to follow the bus routine. Thank you.

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



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

Councilmember DeCosta: I have questions for Celia. Will this grant include the bus stop that the bus is utilized for that certain area?

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: Celia Mahikoa, Executive on Transportation. Good morning.

Councilmember DeCosta: Thank you for all you do and sorry to ask the tough questions. We brought to your concern two (2) of the bus stops, and I wanted to know if these buses that you are going to have, that is going to be assigned to certain geographical areas, are we then going to put in that bus stops for our pedestrians who are riding the bus do not have to sit on those chairs, the prime spot was along the bypass road in Kōloa, going to the Grand Hyatt Kaua'i Resort & Spa, there is a bus stop that the County pulls on the side of the road to lawn chairs, and there is no coverage for heat or rain. Would that grant address some of our bus stops that we need to put in now or is this is only for the buses?

Ms. Mahikoa: The purpose of today's request is for approval to purchase the number of buses that we need to keep our current service levels sustained.

Councilmember DeCosta: When buses do routes, where they stop along their route, is it recommended by the County to have a bus station at every route or do people stand on the side of the road and wait for a County bus? What is our past practice or what is our vision of creating those bus stops?

Ms. Mahikoa: I believe for the greatest good of the community the vision is ultimately to have at least some sort of protection for individuals who are waiting at bus stops. The ongoing challenge with the Kōloa/Po'ipū area is the fact that we are included in an ongoing project, that is in the works, for the improvement of the Kōloa/Po'ipū roadways and ensuring that there are good multimodal items that are addressed at that time and when they do the improvements, they will be including improvements to all of the bus stops in that area. I am sorry it looks as if it is being neglected, however it is clearly not, it is included in that project.

Councilmember DeCosta: I am glad you made that clear. Maybe that one (1) spot now will not be the spot for the bus hub, right? It might be in a different area, so we should not waste our tax dollars on a hub now if we are not going to have...I understand now. I am sorry I brought it up, but that is how we solve our problems. Thank you.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: replacement for tired buses?

Are these gas and diesel buses and they are all

Ms. Mahikoa: That is correct.

Councilmember Cowden: It is not really changing our amount of service and we have drivers for each of these.

Ms. Mahikoa: Right, these are just replacements for existing fleet vehicles that are going to be far beyond their useful life by the time these arrive, yes.

Councilmember Cowden: What do we do with the old ones?

Ms. Mahikoa: We are required to go through the County's asset disposal process, which puts them up for auction within the County auction. I believe lately it has been once per year. If they are not bid upon, then they are disposed of.

Councilmember Cowden: Okay. Thank you.

Council Chair Rapozo: Are there any further questions for Celia?  
Seeing none. Thank you.

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

The motion to approve C 2023-249 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

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

C 2023-250 Communication (11/22/2023) from the Deputy Director of Planning, requesting Council approval to apply for, receive, and expend National Oceanic and Atmospheric Administration (NOAA) Coastal Zone Management (CZM) Habitat Protection and Restoration Bipartisan Infrastructure Law (BIL) Competition Grant funds in the amount of \$409,500.00, and to indemnify the State of Hawai'i, to be used for Habitat Restoration Planning, Engineering, and Design for the Historic Salt Pans at Hanapēpē, Kaua'i, Hawai'i. The project aims to develop and implement immediate design solutions to projected coastal impacts, such as dune restoration and other mitigative measures, and identify long-term solutions to preserve the hydrogeologically unique, historically significant, and actively cultivated *wahi pana*.

Councilmember Kualī'i moved to approve C 2023-250, seconded by Councilmember DeCosta.

Council Chair Rapozo: I have one (1) question. How time-sensitive is this?

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Director of Planning: Good morning. Jodi Higuchi Sayegusa, Deputy Director of Planning. Through the process, right now we are in a phase, and the deadline for the application is January 10<sup>th</sup>. We previously submitted a letter of intent to submit and is a process that is open to anyone. Based on the letters of intent, NOAA selected and invited a portion of those submitting the letters of intent to apply for the full proposal. We were not totally sure that we would get invited, we did not get invited, and then subsequently I went to the *hui* to talk, had a presentation to make sure they were okay and had their blessing before we even ventured to apply for the grant. Now we are at this point before you folks ask permission prior to the deadline of January 10<sup>th</sup>.

Council Chair Rapozo: I heard about that. I was not aware of that meeting that you folks had with the *hui*, and this is just for me, it is ironic that this is up for today, because last week I received calls from some people concerned about the condition of Salt Pond Beach Park and the activities that are taking place there right now. It was so weird, I said, "Can we have an update at the agenda," and the request was that we do it after the holidays, so my plan was to bring it up after the holidays. Being that this is here, will it be an issue, or will it be a problem if we were to refer this to a committee next week and have a discussion? I do want to have some community input before we say yes. I want to make sure that what is in here...because there are some serious issues going on right now.

Ms. Higuchi Sayegusa: Right. When we met with the *hui*, there was...

Council Chair Rapozo: This extends more than the *hui* though. Do you understand? It is not just the *hui*, there are others who use Salt Pond Beach Park.

Ms. Higuchi Sayegusa: I think there are a lot of things that need to be done towards supporting or protecting Salt Pond Beach Park, the pans, in addition to the beach park. There are a lot of factors, and that came up when we met with the *hui*. There are water quality issues, there are impacts to the existing roadway that bisects with the beach, there are a lot of other factors that need to be done. This is discreet. It is focusing on the major issue, which is the wave overtopping that is already happening, and the sea level rise impacts with erosion and the flooding that is going to worsen. The wave overtop is already happening. It is impacting the quality of the pans, and the salt ponds, but it is just going to worsen. This project is focusing on doing restoration and the natural elements of that, which is to grow native vegetations. The vehicles are already restricted from driving into the beach park area because that was having a major impact with the dunes. This is really looking at designing and implementing immediately within the one (1) to three-year period, the natural types of elements to grow dune. In addition, this project will seek to foster a lot of community input and that is a major emphasis for this money and grant opportunities. There is an emphasis on key lands that are unique biologically, ecologically, and culturally, which is Salt Pond Beach Park. Another emphasis for this grant is somewhere where it is verifiable, there is going a lot of sea level rise impacts, which is this area too, but the huge emphasis for this grant opportunity is incorporating traditional knowledge. That is why this project is very uniquely fitted for this grant opportunity and in addition to the implementation to the design of the dune, a huge part of the project is going to incorporate community outreach to gain the cultural knowledge and advice on how to do dune restoration, but



also looking to the medium to longer term requirements or visions for the salt pans and the beach. That could mean further outreach to gain their input on how to prioritize looking at the road and how to design removing the asphalt road, because there are some suggestions that even if we remove it, how will that impact the clay, which is so important.

Council Chair Rapozo: Okay. This project will incorporate all the scientific studies, strategic studies, and the community outreach as well?

Ms. Higuchi Sayegusa: Yes. This opportunity is mostly looking at dune restoration, but also going out and having a lot of conversations with the community for other things that we need to do and other opportunities that we are going to have to jump on and search for.

Council Chair Rapozo: Okay, that is fair. Councilmember DeCosta.

Councilmember DeCosta: I am glad you folks are reaching out to the community because that is a strong community, you folks know that. You have strong community ties on Kaua'i with your husband, and we appreciate all you do. Resident camping, non-resident camping, and the homeless—those are three (3) issues that impact environmentally the salt pans. I want you folks to have that in your conversation. If the community does not bring it up, I am bringing it up—camping. Residential camping, non-residential camping (tourists), and the homeless. When you camp, you tend to bring a lot more environmental impact to the area, and the salt ponds should be very much respected.

Ms. Higuchi Sayegusa: Got it.

Council Chair Rapozo: Councilmember Cowden and then Councilmember Carvalho.

Councilmember Cowden: Thank you for doing this. I want to recognize that it is a big deal when we get the high tides at the end of the summer, and then it basically washes away all the salt, that is what I am hearing this is about. When the dunes are not high enough, the waves come over and that is the starting point, is we are going to say, "We got to have the salt before we are worried about any of the rest of it." How does the funding get expressed? Is the dune restoration and the science, are we hiring a new person, or do we contract that out or are we working with nonprofits? Who is getting the money to do the work?

Ms. Higuchi Sayegusa: This pocket of money is under the umbrella of the Bipartisan Infrastructure Law and through the CZM program, and so money goes from NOAA to CZM, and if we are awarded, it would be from CZM to the County. In the next two (2) weeks, we are trying to solidify a plan. If we are chosen for this project, the initial thought process is to build off the studies that UH has done. They just completed a study and of course they had moneys just to look at the pond. There are additional studies they can offshoot and add to build off of. They studied the features of the pan itself, but there are other thoughts of what are the characteristics of further inland and is it similar with the clay and the salt...we are hoping to build off the work



the UH completed and possibly incorporating the scientists who has already done that body of research to build off.

Councilmember Cowden: It sounds economically efficient and then it looks like this is about the dune restoration itself.

Ms. Higuchi Sayegusa: Yes.

Councilmember Cowden: We have salt makers and cultural people that live right there in Hanapēpē and I am just wondering if this money can end up going out through a nonprofit or through one of our branches, so that we are actually paying our own practitioners, who have a *kuleana* to the area rather than hiring a company from O'ahu to do the dune...because I think that will be a point of emotional tension.

Ms. Higuchi Sayegusa: Completely. In addition to UH or other scientists available, yes, we are hoping to somehow work with existing community members to help facilitate some of those outreach meetings.

Councilmember Cowden: It will not be a new job position in the Department of Parks & Recreation, it will be working with, and somehow, we funnel it through to the community and when it is *pau*, then it is done.

Ms. Higuchi Sayegusa: Yes.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: I received numerous calls about it also. The bottom line is that the voice of the community will be heard. There is going to be a major effort in reaching out to the community, right?

Ms. Higuchi Sayegusa: Right. That is the emphasis of this grant opportunity is to incorporate...it is a necessary part of the scope of this grant.

Councilmember Carvalho: Obviously. I just wanted to make that clear. I thought this was a Statewide effort, but if we can also participate?

Ms. Higuchi Sayegusa: Ultimately, the dune restoration piece and of course like working with the community, but the visioning for the medium to long-term requirements for this project, it could incorporate various of interests.

Councilmember Carvalho: My point is that we should jump on it as soon as we can and get it moving, and the community knows at the forefront that they going come to the table.

Ms. Higuchi Sayegusa: Right.

Councilmember Carvalho: That is the bottom line for me.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: You stated that more details on the project to be presented to the Council in the future, right? I am ready to support this today. This is based on the study that UH did, the Sea Grant College. When you come back to us to provide us more information, will you also start with that, because the college presented the results of that study to the *hui* as well.

Ms. Higuchi Sayegusa: Right. I can definitely ask...

Councilmember Kualii: Just a summary overview.

Ms. Higuchi Sayegusa: I can ask Sea Grant folks to come and give a presentation.

Councilmember Kualii: I believe the funding for that study started years ago with the Office of Economic Development and the Council, right?

Ms. Higuchi Sayegusa: Yes, I think ultimately it was through the Open Space funds, part of the administration cost to fund their research into the conditions of the pond.

Councilmember Kualii: Yes, okay.

Council Chair Rapozo: I was just curious that the meeting with the *hui* was not really well publicized and that creates issues in the community when they find out after-the-fact, and it was really last minute, from the information I received from the salt makers. By the time they found out about it, they started to make the phone calls, but people had previous commitments and could not make it. It was around Thanksgiving if I am not mistaken.

Ms. Higuchi Sayegusa: The week before Thanksgiving.

Council Chair Rapozo: For me, personally, as a Councilmember, I would have loved to have been present. I like what I hear, I appreciate you folks working with the community and understanding that the bulk of this work, I would assume, would be done by engineering firms and not community firms or nonprofits, it would be an engineering firm. You are talking about restoring sand dunes and looking at sea level rise, I would assume that the bulk of this money is going to an engineering firm.

Ms. Higuchi Sayegusa: Right. UH Sea Grant—I know out of Maui, they are already undergoing several projects which are more technical, we are already talking with some of those folks to help or if they are even available to advise and be part of the engineering work for this project. The project was the Baldwin Beach project when they were trying to restore the dunes there, it is a bigger scale project, with a lot more sand. They are the experts that are already doing it on a bigger scale that we would hope to try to bring on.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: When we have language saying, "approval to apply for, receive, and expend," what I am hearing from you is the quicker you are on it, the better in terms of applying for it. Sometimes I have trouble that we have to do all three (3) of those in one (1) vote. I would prefer to apply for and receive, and then perhaps we have the community meeting at a Committee Meeting, and then later we do the expend. I am looking at both the Council Chair and you, is there any reason we cannot make it be, "Apply for and receive," which is easy to say yes to, and then it is tough to have to approve the way it is expended before we have any idea what or how that is going to happen.

Ms. Higuchi Sayegusa: Especially for this grant, we will likely have to have a pretty detailed budget scope of work at the grant proposal phase. It is really not going to differ too vastly after we submitted the proposal, and so the timing is tight, I suppose.

Councilmember Cowden: Building off of what the Chair is saying, if we had a Committee Meeting next week where we talk about it, but you know we are going to apply for it, you can be working on all that work that you need to be doing anyway, because you are not ready to submit it? That is the thing that has been a little uncomfortable, not with the Planning Department, but with different departments. We do the "apply for, receive, and expend," and then I am choking after we get the money and then there is no other way. I am saying it to both of you.

Council Chair Rapozo: Okay. Are there any further questions from the Planning Department? If not, thank you. I will answer your question when we are in discussion. Is there anyone in the audience wishing to testify?

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

Council Chair Rapozo: We have in the past approved grant requests just for application to apply and receive and left out expend. That is in cases where there was no plan, it was typically a last-minute grant that the Administration had to get in right away and they really did not have a plan, and the Council was not comfortable with approving the expenditure. Jodi said in this grant when dealing with a scientific grant, that is going to be dealing with restoring sand dunes, I do not think we are going deviate from the grant application once submitted, as opposed to a generic grant, which I am very uncomfortable with at times. We apply, we receive, and we spend, and spend, but we spend not what the Council thought we would spend on. There are situations where I will support that and because of the way the grant is structured...I apologize, I missed the page that had the program outline and number one was the community engagement, so I misspoke earlier. I have every intent of supporting this today, unless others want something different. I share that concern regarding the expenditures of grants, sometimes it does not get spent on what we thought, but in this case, I do not see that as an issue. Is there any further discussion? Councilmember DeCosta.

Councilmember DeCosta: Thank you for recognizing that page. This is a really vocal community and (inaudible), they have their hands in it and they are the



ones who should be driving this and I am glad that we have that written in here. Thank you for addressing their concerns. That is a good Westside community right there.

Council Chair Rapozo: As I shared earlier about having an update on Salt Pond in January, I plan to have that with the Department of Parks & Recreation. There are some issues that are outside of this, although camping impacts the salt pans, there are more of neighborhood issues that we need to talk about and figure out how we are going protect that unique area.

Councilmember Cowden: I did a search and I do not think the Planning Department notified the Council, is that what seems to be the case? I just want to say it is a good idea to notify...thank you for sending me your more detailed information when I asked. I tried my very best to have as much information as I could so that I do not have to ask questions on the floor. I think the public deserves some things and that I have a lot of confidence when I vote for things. I will vote for this today, but I really do like it if you let us know. I cannot attend everything, but I do my best to go and listen. I can do a better job being in alignment with apply, receive, and expend, when I can have that opportunity to see it.

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

The motion to approve C 2023-250 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

C 2023-251 Communication (11/22/2023) from the Deputy Director of Planning, requesting Council approval to apply for, receive, and expend National Oceanic and Atmospheric Administration (NOAA) Climate Resiliency Regional Challenge Grant funds in the amount of \$1,068,510.00, and to indemnify NOAA, to establish a Climate-Resilient Kaua'i Collaborative with three (3) staff over a three-year period. The objective of the program is to build partnerships, engage stakeholders, secure funding, and empower coastal communities with the knowledge needed to adapt in the face of climate change.

Councilmember Kualii moved to approve C 2023-251, seconded by Councilmember DeCosta.

Council Chair Rapozo: You may as well come up; I will suspend the rules. This one I read through without missing a page. Again, a very detailed description of the process, so thank you. Are there any questions of the Administration?

There being no objections, the rules were suspended.

MARIE WILLIAMS, Long Range Planning Manager: Good morning, Council Chair and Members of the County Council. We are seeking approval to apply for this grant. The title of this is the NOAA Climate Resilience Regional Challenge. The focus is on coastal states and building capacity for communities to adapt to climate change impacts and hazards. What is very unique about this federal grant program is that it allows us to use the funding to hire staff, and so we thought this might be a great opportunity to have that staff in place, especially when we finish the County's climate



adaptation plan next year and have a program in place to help move forward some of the priorities identified in the plan, particularly more the outward community facing action related to education and outreach and providing support to those community groups already doing this work or who want to do this type of work. That is essentially what we are hoping to secure the funding for.

Council Chair Rapozo: This grant will hire staff.

Ms. Williams: Yes.

Council Chair Rapozo: And it looks like it is a three-year period.

Ms. Williams: Yes.

Council Chair Rapozo: The amounts here, you have Climate Resilient Kaua'i Collaborator Manager at three hundred ninety-five thousand dollars (\$395,000), again, over three (3) years. You have a Funding Specialist at two hundred ninety-nine thousand dollars (\$299,000), and a Climate Hazard Outreach Specialist at two hundred ninety-nine thousand dollars (\$299,000). I am assuming that when the three (3) years ends, we fund these positions or are these going to be three-year contract positions? How does this work?

Ms. Williams: It is true that this grant period, the period of performance is three (3) years, and this is not a recurring grant, since it was funded through the Inflation Reduction Act (IRA), it is a one-shot deal. The assumption is that yes, this would be a temporary program as we launch it. It is almost like seed funding to see how this program would work. Naturally with any federal grant there is a lot of valuation that must take place, so there will be a means for the Administration to determine if this is a successful program. One of the staff people would be focused on writing grants and grant management as well. The hope is that if it is successful and the County wants to continue the program, that they could also look for similar grants to help sustain the program, that could be one option.

Council Chair Rapozo: Or the other option is General Fund, taxpayers pay. This is only for salaries, right? Nothing else.

Ms. Williams: There is a little bit of other expenses associated with the program. I think training and materials, some possible stipends for community partners that do this program would work with. Yes, salaries and fringe, the fringe benefits are included in that.

Council Chair Rapozo: Yes, that will tap out the one million dollars (\$1,000,000) right there.

Councilmember DeCosta: I do not want to be a "Debbie Downer" on this grant, because resiliency, environmental sea level rise, climate change, sounds good to the buzz word of a certain group of people. I am not a "climate change" type of person. I look at Europe, Italy, France, they got restaurants, towns, and cities built on rocks overlooking the ocean. What are these three (3) individuals going to tell us that we do

not already know? The ocean is rising, you do not want to build on the ocean, but if you are going to build near the ocean, then you need to do these things like build a stone wall, rise the footings. That is pretty much what they can tell us. I do not know what more these three (3) positions tell us. Out in Waimea, there is a certain family who own a beachfront property by the pier, and we are telling that family not to build there. How do we help that family? How will those three (3) positions help that family who do not want to give up their beachfront property, they want to build a house, they want to be like the folks in Hā'ena? What can these three (3) positions do with their job to help the one local family who is on the beach with a property lot, who have not built a home yet, but they want to. You folks are going to hire these three (3) positions, tell me what they can do.

Ms. Williams: I think that in terms of working with landowners who are in those coastal areas experiencing a lot of change and they are concerned, this would help support an ongoing outreach program to work with people and share with them the options for what they could do, whether they want to stay in place and build to the current code or maybe participate in some type of other program, they could help develop other programs that provide more options. These staff are really not meant to necessarily be people telling us what to do, but helping to implement our Climate Adaptation Plan that has had a lot of community outreach and what we heard through that process is that people would like more continuous outreach on these issues because it is a very complex thing and there are a lot of concerns about the hazards that people face now and if they intensify, what will happen? We have one (1) staff person identified in this program that would focus on the community education and outreach side. That person could provide that.

Councilmember DeCosta: Are you folks not already doing that? You folks are already doing this, because I have seen a home in Kekaha high up on pillars that came from our department must have told them that these are the restrictions or these are the ordinances that you folks have to set back and build by, so I see construction going on in a sea level rise area, so what more can these three (3) positions do? I think you folks are doing an excellent job. Would they take away some work from you?

Ms. Higuchi Sayegusa: If anything, it would enhance it or add to it. We have one (1) regulatory planner that handles all of the SMA permits, the shoreline setback, so it is really the implementation and the permitting that he does, and he is slammed, right?

Councilmember DeCosta: Okay.

Ms. Higuchi Sayegusa: Marie folks are currently going through the Climate Adaptation and Action Plan and so there is a lot of work being done right now, but beyond that, at the completion of that project, the focus is then turned to east Kaua'i for the East Kaua'i Community Plan update, there is not going to be additional bodies to help with continued outreach.

Councilmember DeCosta: I appreciate your answering that. That is what I wanted to hear.

Ms. Higuchi Sayegusa: The expectation right now is that this is a three-year position, but depending on if there is opportunity and how the program works, we may come back and seek additional authorization for additional grant funds.

Councilmember Cowden: When we have full-time continuing staff positions and the job is finished or largely finished, those people could be absorbed into other planning positions, and they would probably bring a whole new wealth. If we somehow do not need that or we are done, they would be absorbed in and we could dollar- fund these positions, would that be right in terms of the budget? We are not necessarily stuck in funding positions if that time need has passed.

Ms. Higuchi Sayegusa: If we get approval and we get the funding, this would be three-year positions. We would have to work things out with Human Resources (HR) how that is allocated, but it would be a three-year deal.

Councilmember Cowden: Yes, so we are not necessarily getting committed into having to fund something beyond that. I want to say thank you to not just yourself, but the entire Mayor's Administration for coming up with three million dollars (\$3,000,000) basically on this grant. Great job. Would this position be able to help partner with community organizations. The Līhu'e Business Association has set aside 2024 to be resilience building and hazard mitigation, we are going to have the Kaua'i Emergency Management Agency (KEMA) in there in March, and then what is the North Shore Community Foundation, they are shifting a little bit, but they are going to put all of 2024 to resilience building, which is as much hazard mitigation and evacuation routes as it is anything to do with the politically charged phrase of climate change. If we do not think about those words, they are concerned about multiple weather type of events or challenges. Therefore, these positions would probably be wanting to work with communities, right? Would that be correct?

Ms. Williams: Yes, absolutely, a big focus of the program would be to bring partners together and provide capacity to support these partners in their community-based work.

Councilmember Cowden: I am sure the Planning Department makes sense to be working with the Fire Prevention and KEMA's hazard mitigation, because when we talk about hazard mitigation and fire prevention, the Planning Department is at the top of...it is the upstream challenge. If a neighborhood was not planned right, it is more vulnerable.

Ms. Williams: Yes.

Councilmember Cowden: These jobs, would they help neighborhoods try and look at their planning or how they would do that? I did look at this, but it sounds like these are adaptive positions.

Ms. Williams: We do not have a description for all the staff, but that is in line with what the vision would be.



Councilmember Cowden: I like that because I think it is what is being asked by at least two (2) organizations that I met with in the last couple of weeks.

Council Chair Rapozo: This is a one hundred percent (100%) grant, there is no match.

Ms. Williams: There is no match required.

Council Chair Rapozo: There is no mechanism to hire someone for three (3) years. It will be a full-time County position that is funded by a grant.

Ms. Higuchi Sayegusa: Yes.

Council Chair Rapozo: And you are going to have that little asterisk in the line item, and at the end of three (3) years, the County will have to decide whether you are going fund it or not. That is a lot of money. I am going to be honest, when I look at the anticipated outcomes, formation of new partnerships, an enhanced collaboration, collaborate with regional partners, community groups, nonprofits, cultural practitioners, and agencies to share best practices, coordinate efforts and move forward multijurisdictional community-based projects, like what Councilmember DeCosta said, we should already be doing this. Establish partnerships...we already have that. Increase support for climate resilient infrastructure, help plan for the relocation of critical infrastructure like roads, bridges, utilities...that is like engineer work. That is why we have our county engineer. Build county capacity and implement natural infrastructure solutions such as restoring wetlands...again, that is the engineers. Improve disaster preparedness and response. We just approved grant money for Civil Defense. Support disaster response and recovery planning to ensure the County incorporates climate change, effects, and is well prepared for extreme weather events, flooding, wildfire...I do not want to sound negative, but if we are duplicating...yes, and people will say it is free money, but it is not free money, it is money that is coming from federal taxpayers. My fear is that after three (3) years, the County just inherited three (3) more positions that we have to fund. I have problems with that because I do not see...looking at the rate of pay like Councilmember DeCosta said, this manager is going to be making almost four hundred thousand dollars (\$400,000) over three (3) years, and yes, you have to take out the percentage for benefits, but we are going to hire three (3) people to do what I just read, which is what we should already be doing. I am under the impression that we are not doing it. Maybe we are not doing it and that is why we are in the situation we are in with roads and bridges. When we rely on funding, I can tell you when I was working in the Office of the Prosecuting Attorney, I was a grant employee. After COVID-19 hit, the grant went away and the County had to make a decision, thank you councilmembers that were present had agreed to continue the position using General Fund money. That is just my take. I am interested to hear what the rest of you think.

Councilmember DeCosta: Jodi got me when she said that position they have is slammed. When I hear that...and I know the good job they do. The Planning Department under Ka'aina Hull does an excellent job. We want to support you with personnel, we have to. We cannot ask you to do more work with less people. I am not trying to be the person who fix things, but three (3) positions, do you think maybe



one (1) position and can we drag that money out for six (6) to ten (10) years, instead of three (3) years with three (3) people? Maybe one (1) person over ten (10) years. Is there a timeframe on the grant?

Ms. Williams: There is a three-year timeframe.

Councilmember DeCosta: So, we must use up the money?

Ms. Williams: Yes.

Councilmember DeCosta: Okay.

Ms. Williams: We must show what we will do in the three (3) years.

Councilmember DeCosta: The best-case scenario would be that at the end of three (3) years, one (1) of the three (3) people turn out to be a good employee and is very knowledgeable, then maybe we could keep them on, if you need the help. Is that something you folks are looking at right now?

Ms. Higuchi Sayegusa: With the positions, part of it is to help build the capacity within the County as well. In addition to outreach to help and work with the various departments to serve resiliency overall.

Councilmember DeCosta: Where do we find these people that come with all these qualifications? This person should already be working either for our County or for some large engineering firm solving problems. Where do we find these people? Hopefully we will not find someone to train, because we do not want to train people and then in three (3) years, they will leave. We want people to come in ready to go.

Ms. Williams: Yes.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I think he has questions first. My questions are a little more for you.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: When you apply for this grant and if you get it, when would be the effective date?

Ms. Williams: The application is due in February and the award is announced in summer 2024, so I would imagine if we are successful, we would probably at the beginning of that next fiscal year (FY), which would be October 1, 2024.

Councilmember Cowden: When we have these three (3) named positions, the Climate Adaptation Funding Specialist could be someone with an engineering degree, like an Environmental Engineering degree could take that position?

Ms. Williams: Possibly, but with that position is meant to be a grant specialist. There is a lot of funding out there and when we work with other departments on the Climate Adaptation Plan, one of the concerns is the lack of capacity to apply for and manage grants.

Councilmember Cowden: Okay. Forgive my question, you answered that well. Is there any reason why you could not put someone with Environmental Engineering or some sort of technical background? Can they have that? I think it is a good point that when we are looking at it and my reaction is the opposite of these folks. My reaction is we need this all over the place. I can think of at least eight (8) at-risk areas that need some addressing. I support the fact that technical knowledge is more important than soft skills. We could if we wanted to, right? If you had that person, you could have someone, so they would be interfacing with the Department of Public Works. We have planning people who are also transportation, and some people are over at the Department of Public Works, we can have cross-over people, I think that is what we need. If we do not even think about the words climate change and we think about land use change where we have crisis points to cover how we have changed the use of our land, we need this.

Council Chair Rapozo: Was there a question in there?

Councilmember Cowden: Yes, it was, I said...and they were just nodding, I asked is there any reason you cannot have someone with an engineering background in here?

Ms. Williams: I think that would be...I mean, no.

Council Chair Rapozo: She already asked that, and you said that you are looking at a grants manager.

Ms. Williams: Yes.

Council Chair Rapozo: ...or a grant's person.

Councilmember Cowden: That was for the funding piece, but you can have a manager that is an engineer.

Ms. Williams: That would be a question for if we are successful and the position is defined, and it must go through the HR process to determine what the qualifications are. I would imagine that someone with experience working with the Department of Public Works and on the engineering, side would obviously bring a lot of that experience through the position.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Is the first grant with NOAA right now?

Ms. Higuchi Sayegusa: This opportunity is under the Bipartisan Infrastructure Law. This source of funding is directly through NOAA and not through CZM.

Councilmember Carvalho: Yes, I got that. But I guess what I am saying is that it is a good thing that we get that relationship that is solid. It is an organization that may give more opportunities later and see this part that we can move forward on, you said it is going to end at the State, and I understand is being discussed, but is that commitment for three (3) years and after that the next steps would be more opportunities will come for other options, right?

Ms. Williams: Yes.

Councilmember Carvalho: That is what I understood.

Ms. Higuchi Sayegusa: Yes, exactly. Especially if with the grants specialist the main duty is to seek out and search for further grant opportunities, this could lead to other opportunities as well.

Council Chair Rapozo: Are there further questions?

Councilmember Kualii: The work that is being done here, even in going after the grant, are you also talking with the Office of Economic Development (OED)?

Ms. Williams: Yes, we work very closely with them. They were able to assist in the development of the grant application.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Thank you. 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:

Councilmember Bulosan: I want to thank the Planning Department; it is great they are pursuing this grant. This reminds me of our meetings nationally at the National Association of Counties (NACo) and the available funds there are. One of the biggest things that we were looking at is how our Administration can leverage every opportunity to get more funds, so that the community on Kaua'i receives their fair share and get all the necessary projects off to the right start. This is exactly what I was hoping to see get done as soon as possible. I am excited. I am hoping we can pass this as fast as possible.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I am supportive of it. When I look at the needs that are out there, I think this is in alignment with it. Because my background is private sector and somewhat education, I see our young people coming back from college, I am

always prospecting them, trying to keep them, trying to get them to apply for college. I just finished talking to one who has a planning and political science background, and what does he do, he has been a heavy equipment operator since he was in high school. That is someone who might be really in alignment with this position. Another one who wants to stay here, who has an environmental science background. I am always prospecting to work for the County and to work in the Engineering Division, constantly. So many of my former students are now engineers, as adults, and living in the continental United States, I try to bring them back. What are they passionate about? This type of thing. Making their home vibrant and strong in a way that they are looking forward to doing. I am sitting here thinking of maybe five (5) different people that I would be trying to talk into doing this, and they get paid well somewhere else, and it is expensive here, but they might have a home that they can come back to. I do very much think that we have had such transitions between the time of sugar to the present and then we have all these crazy EPA laws that do not let us put a landfill anywhere. I have gotten so many calls about this Board of Land and Natural Resources meeting; I am looking at our Solid Waste team here. These are big issues, and we need to be working with NOAA, working with the federal government. To me, this is an intergovernmental grant and probably connection. We need to look at how do we have federal requirements that are not just designed for the continental U.S., but for an island with a big mountain in the middle. I would love to see who gets pulled into this, would be people who have...I would like to see our homegrown who have a lot of knowledge already. That is my first choice, of course I cannot pick those people, but I see a match and I see a need. I am supportive of it and then, Chair, when we do the budget there are many positions that end up dollar funded or end up vacant for a long time. If this did not seem functional, that they just get absorbed up the chain for more managerial positions in the Department of Public Works, the Planning Department, it is developmental and it is in alignment with what we have said very much. We have to build our local capacity. I am not biasing against from somewhere else...to do environmental protection. The more you know what is here, the stronger, so I will be supporting it.

Council Chair Rapozo:

Is there anyone else?

Councilmember Kualii: I will be supporting this. I think it is important. When we talk about the challenges of climate change and how we have to work towards a climate resilient Kaua'i, I think this represents an amazing opportunity to take federal dollars and infuse that into the efforts that we have by putting in staffing, what better way to really infuse a program, efforts, and initiative than to have staffing behind it. We have done plans, we are about to get an update on our Climate Adaptation and Action Plan, so we need people to put that into action. Working with the community, working with the business community, working with OED, I think this is really important. We have done things as a county internally with our buildings, putting on solar panels, EV charging stations, and we still have more to do to be a fully green county, but we also have to work with everyone else on the island. Kaua'i should be a leader when it comes to resiliency and climate of the planet. I support this fully.

Council Chair Rapozo: Do we not have a climate person here? I thought we had one. Does anyone know?

Councilmember Kualii:

It would be part of one (1) position in the OED.



Councilmember DeCosta: I am going to support it only because I support the Planning Department, I support the Administration. I know how good of a job you folks do, because you told me that you need another body. The Department of Finance needs more bodies, the Department of Public Works needs more bodies, so if this means that we are going to get some work off your hands, and you can do a better job, then great. Sorry to be the person to ask the questions. I am telling you...I supported our bike path and I still do, but my friend over here who is not an engineer told us that it will get washed away and will fall in the ocean, and it is. I know that your department know exactly what to do with these properties on the beach. We do not need to spend one million dollars (\$1,000,000), but it is government money, grant money, so it is not coming out of our pocket. We do not need the money or people to tell us what to do on the side of the ocean. If you set the house back, put deeper foundation on the sand, use a better filtration system, which is probably be sewer, so you do not contaminate the ocean water, and you go to Troy, who is the head of the Department of Public Works, and go to the Building Division and say put this structure an extra six (6) to ten (10) feet in the sand, so the house do not move in case of the high water mark. We know all of that. It is already in place. We are going spend a lot of money to talk that talk and look good, but we know what we are doing already. We do not want those people to build by the ocean, but we cannot take away their land and we cannot tell them what to do. They deserve every right like everyone else. I will support it, but I just wanted to give my *mana'o*. This is where I stand. If you want to look at sea level rise and how well construction work, go down to Kekaha and look at that stonewall that they put in, in the 70s, that stone wall is still standing, that stone wall still taking the ocean beating, and maybe we must put more stone walls to save some of our ocean. We live on an island and the water will keep coming in.

Councilmember Carvalho: We must look at opportunities and I look at this as an opportunity from the federal level. Sometimes you just must go for it and keep on managing the project, because not necessarily to hire, but the next opportunity will come forward, whether it be equipment, training, etcetera. We must look at it that way. This will end, but more will come because we participated in this process. That is my thing. I am obviously going to support it and continue to look at it, and make sure we follow through on what is being discussed today.

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

The motion to approve C 2023-251 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

C 2023-252 Communication (11/24/2023) from the Director of Parks & Recreation, requesting Council approval to accept donations from The Hanalei Initiative, a 501(c)(3) not-for-profit corporation, of a public playground adjacent to the Hanalei Neighborhood Center, valued at \$112,026.49, and a basketball court at Waioli Town Park, which includes resurfacing and new backboards, valued at \$97,131.36.

Councilmember Kualii moved to approve C 2023-252 with a thank-you letter to follow, seconded by Councilmember Carvalho.

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

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

Council Chair Rapozo: Are there any questions? This is self-explanatory and I appreciate what they are doing.

Councilmember Cowden: He has been waiting here.

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Deputy Director of Parks & Recreation: I just want to bring Joel Guy here from the Hanalei Initiative. Joel is the Executive Director and they have been partnering with the County on several initiatives in Hanalei. Two (2) of the items on the agenda are to accept the donation of a park playground, as well as a basketball court improvement in the Hanalei district from the Hanalei Initiative. I will ask Joel to speak on those two (2) items and the partnership we have with them.

JOEL GUY, Executive Director, Hanalei Initiative: My name is Joel Guy. I am the Executive Director of the Hanalei Initiative, for the record. It is incredible what you folks do. Thank you so much. I do not get to sit here much, and watching the action today was impressive, so thank you all for your effort and commitment, I learned a lot just in the couple hours of sitting here. Some thank you briefs to the Hanalei to Hā'ena Association on their early support. When we work with community associations, we end up with a better project, so I want to send a huge thank you to them. Secondly, for these projects to work, we had to really send our appreciation to the community that came out and helped with donations, the merchants in Hanalei stepped up in our fundraisers to provide items to be auctioned off, we even had some young mason workers come out and learned how to pour concrete. It was a really great community project, building the two (2) projects, the basketball court and the playground. Finally, as far as the playground goes, I am not sure if you folks know, but in Hanalei we do not always agree, sometimes there is conflict and in that specific project, it was location that was a challenge. I was fortunate enough to grow up in Hanalei, we always had a playground next to the basketball court, that is where I broke all my teeth, so I felt that was the normal spot, we designed it that way, but then we had pushback. There was not a playground there for almost thirty (30) years, it was just a beautiful view and they had a hard time with putting a plastic playground and said, "Well, it should go over there," but then others said, "it should be next to the basketball court." It was an interesting battle with the community. When it came time to make the decision, the Office of the Mayor, the Mayor specifically said, "If you folks want this, we will put it there," and where he decided to put the playground, was a place that the community...where it was a derelict place, you would see abandoned cars. To make that tough decision, we appreciated the Office of the Mayor doing that. We were able to

clean the cars out, he put in turf and then the infrastructure, we brought in the equipment and then installed that for the playground. Now, it is a place where you see community gatherings, it is a special project. The basketball court as well—it was busted up and now it is a place with pickleball, basketball, roller skating. We learned a lot in these public/private partnerships and you folks have been great. Thank you.

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

Councilmember Cowden: I am so impressed with the Party in the Park. So great, and so much that you are acknowledging all those donors and kids who have next to nothing getting so much. How much of your fundraising happens there? How much of your fundraising are big donors? I know that you work with both groups, and you do a very good job.

Mr. Guy: Thank you so much. Hanalei, sometimes the impression is that there is a lot of wealth out there and while there is, we find that the local, smaller donors, and the merchants in our community really show up for these projects. It is much more that demographic, and then we have been fortunate with our grant writing and our partnership. We run the Hā'ena State Park which has some revenue from shuttle operations, so we are able to support some of these projects through our own funding source as well.

Councilmember Cowden: Oh, okay.

Mr. Guy: Yes, it is everyone, all hands on deck.

Councilmember Cowden: Okay, that is helpful to know. Some of that came from the shuttle.

Mr. Guy: Yes, for sure.

Councilmember Cowden: Because when I am looking at these parties' big "ups" to the soccer games...

Mr. Guy: Kickball.

Councilmember Cowden: Kickball. They have an incredible kickball game and all these people. You were really pulling into the deep community, and I am seeing so many people who do not have a lot, so when I saw what you achieved, I do see all the generosity that is there. That was the missing piece that I did not quite get, so some of that, I asked, "where did he get that," because you have done a good job.

Mr. Guy: Thank you.

Councilmember DeCosta: Thank you to the administration and the Department of Parks & Recreation. You said sometimes the Hanalei community does not always get along. We know Hanalei had a principal that was removed, that was a new principal at Hanalei School, so Hanalei is a strong community. They love the



Director and the Deputy of Department of Parks & Recreation. How do I know that? Because this person has made a lot of things happen and if they can work with a strong community, that is very important. I heard a rumor. I heard the Westside community is so impressed with what you folks did out in Hanalei, that you folks are going to come to the Westside now and help build a basketball court, is that true?

Mr. Guy: We are happy to help.

Councilmember DeCosta: I was hoping you would say yes. That is a great thing to bring some donations to the Westside, teach them how you did it, and put up a basketball court for our less fortunate on the Westside.

Mr. Guy: We can learn a lot from the Westside, probably.

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

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

Councilmember DeCosta: Thank you to the community who stepped it up. This is great stuff. Our Westside kids to go to Hanalei and intermingle with the different type of basketball associations and soccer associations, so good stuff when you see the community coming together. I was just teasing Joel Guy. I just wanted to maybe ask them to remember one (1) island, one (1) group, one (1) community, so come on the Westside or central and help out.

Councilmember Cowden: I have to respond to that.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: Kekaha can throw a party like no other, and part of that is the landfill. We want to make sure Kekaha recognizes how good they are at their parties.

The motion to approve C 2023-252 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

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

C 2023-253 Communication (11/30/2023) from the County Engineer, requesting Council approval of indemnification and other terms and conditions for an emergency rental of a bulldozer from Hawthorne Pacific Corp., to complete required daily tasks for proper refuse management while the Kekaha Landfill's CAT D8 bulldozer is repaired.

Councilmember Kualii moved to approve C 2023-253, seconded by Councilmember Cowden.

There being no objections, the rules were suspended.



TROY K. TANIGAWA, County Engineer: Good afternoon, Council Chair and Members. We are here today to request approval for an indemnity provision and rental agreement for a bulldozer. Currently, our bulldozer at the landfill is being repaired and the period is undetermined. At this point, the landfill has a bunch of key equipment, and the bulldozer is one of them. We have a purchase going on now for a second new bulldozer, but that piece of equipment will not be available for at least maybe over a year from now. Until that time, when we have equipment that goes down, this bulldozer, in this instance, rental of a bulldozer will be the preferred option. Today, I have the Solid Waste Division team here to answer any questions you folks might have for this important request.

Council Chair Rapozo: How long do we anticipate this rental to be?

Mr. Tanigawa: Right now, we asked the repair mechanics, Hawthorne Pacific Company, to provide us a timeframe, and they are still running tests to determine what exactly is wrong with the bulldozer, more specifically it is the transmission that has gone out. They must disassemble the transmission from the bulldozer and take it apart. Once we get more information, then we can probably get a time period from them.

Council Chair Rapozo: Is the rental contract month to month?

Mr. Tanigawa: What we are going for is an immediate replacement. We were erring on the side of caution that this repair is going to take a long time. The cost to rent a bulldozer is substantial and it will more than likely exceed our small purchase threshold, if it goes on for more than a month. This repair could take longer than that.

Council Chair Rapozo: How much is it to rent? Is it a daily rate?

Mr. Tanigawa: What we are looking at is a monthly rate.

Council Chair Rapozo: How much is it?

Mr. Tanigawa: I believe it is five thousand dollars (\$5,000) for the month.

Council Chair Rapozo: Five thousand dollars (\$5,000) per month.

Mr. Tanigawa: Yes. This is a smaller dozer than the one we actually have. A bigger dozer, you could get easily be on the smaller purchase threshold, which is twenty-five thousand dollars (\$25,000).

Council Chair Rapozo: How much is a bulldozer like this that you are renting?

Mr. Tanigawa: This one is five thousand dollars (\$5,000).

Council Chair Rapozo: No, I mean how much is it to buy?

Mr. Tanigawa: The one that we are purchasing now, I believe it is maybe close to one million dollars (\$1,000,000). Eight hundred thousand dollars (\$800,000).

Council Chair Rapozo: That is not the same machine as we are renting for five thousand dollars (\$5,000) per month?

Mr. Tanigawa: No. What we are proposing to rent is a small one, and because it is expensive to rent bigger equipment, and the period of time that we may have to rent it could exceed a month, if we exceed our twenty-five thousand dollars (\$25,000), we have to actually go out and do a formal bid.

Council Chair Rapozo: Right.

Mr. Tanigawa: So, this rental right now is temporary. In the meantime, the Solid Waste Division will work on an IFB to go out and procure a dozer for a longer period of time. If we get good news, and we do not need the dozer for longer than a month, then this will be the rental that we stick with.

Council Chair Rapozo: Okay.

Mr. Tanigawa: If not, we might have to rent out a larger dozer that we would have to secure from an IFB.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: What is doing the work today? Do we have a bulldozer out there right now that is able to do what is required?

JOHN RUIZ, Landfill Worksite Supervisor: No, we do not. We do not have any bulldozer on site. Right now, we are using our compacter and our loader to do the dozer's work.

Councilmember Cowden: Is this it right here? Is the rental that we would be renting, is it on-island? Can we use it tomorrow if we said yes today?

Mr. Tanigawa: If I could clarify, the picture that I provided, it is more closer to the current dozer that we have. What we are renting is something smaller just to tie us over until we can get the size that we usually use.

Councilmember Cowden: If we say yes today, when can we rent and have the small one on the landfill?

Mr. Tanigawa: That dozer is available now with the vendor.

Councilmember Cowden: If we say yes today, is it there tomorrow, is it there next Monday?

Mr. Tanigawa: More than likely later this week, probably.

ALLISON FRALEY, Acting Environmental Services Manager: Allison Fraley, for the record. We do have to procure it. The first step is getting your approval on these terms that have been identified in the Council request. We will be working with the Office of the County Attorney to procure it and then purchasing it as well. We are moving as quickly as possible after we get your approval.

Councilmember Cowden: For the rental.

Ms. Fraley: In tandem, basically.

Councilmember Cowden: For the rental?

Ms. Fraley: For the rental, correct.

Councilmember Cowden: For the rental, you must procure it, so it might take a week to get the paperwork done?

Ms. Fraley: Hopefully by Monday, realistically if you said yes today, we still have to tie up some other loose ends, but it is available in Līhu'e and the vendor is ready to let go.

Councilmember Cowden: How old is our piece of equipment that is broken?

Ms. Fraley: It is a 2016 model.

Councilmember Cowden: Does that mean we bought it in 2016?

Mr. Fraley: We rented it from 2019, was when we first began renting it and then we purchased it three (3) years later.

Councilmember Cowden: Okay, because that was one of the pieces of equipment that was when waste management left, or did we buy one of their pieces of equipment?

Ms. Fraley: No. What we bought was...but we did not use it, we actually sold it in auction.

Councilmember Cowden: Okay.

Ms. Fraley: But the one we were using now was our original rental when we first started taking over operations at the landfill.

Councilmember Cowden: I have a reason for my question. My answer is going to be yes, but the reason for my question is that when we buy a million-dollar piece of equipment, what we are hearing is we bought a used rental.

Ms. Fraley: Yes.

Councilmember Cowden: When we buy this new one, does it come with a warranty? To me, if these are breaking, especially if it is from the same company that has the broken piece of equipment, I would expect them to give us the rental. Do they normally come with a warranty?

Ms. Fraley: Yes.

Councilmember Cowden: With the rental being...something worked in the middle...

Mr. Tanigawa: The piece of equipment that we have, I believe the warranty is expired.

Ms. Fraley: Yes.

Mr. Tanigawa: When it breaks down, we must go out and get our own backup.

Councilmember Cowden: When we get our new one, we will repair the old one, and the new one. Are we going to get rid of the backup?

Mr. Tanigawa: We are going to keep the current one we have, so we have a backup.

Councilmember Cowden: Those are my questions.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Thank you, Troy, Mr. Ruiz, and Allison, thank you for stepping up and answering for the men, because they did not know the answers, I noticed you stepped in today, so thank you for knowing the answer that the men did not know. When we bought that equipment, Allison said, we started renting it in 2019, three (3) years later, bought it in 2022, this is 2023, and it broke on us a year after we bought it. This is an important operation, would it not be better if we did a lease to own? Lease it for three (3) years, turn it in and get another new one for three (3) years, it seems like we cannot have this piece of equipment down. I am not just looking at the money part, I am looking at the hazardous part. This is important. Mr. Ruiz nodded his head. This is such an important piece of equipment to have on the landfill site. Would we not be better off as a County to do a three-year lease and then get another one? Even if the lease is a little higher, we are not going to run into these types of problems. Now, we have a machine that broke on us that is going to cost us a lot of money and we still have to go out and rent. Have we looked at the lease option?

Mr. Tanigawa: From what we have experienced, the leases that we have exercised are finance related. The equipment is purchased outright through a financing company. I am not sure if that type of availability of equipment is out there for this type of equipment, unlike automobiles...



Councilmember DeCosta: They do not have a program like that where we could rent it over time, and then turn it back in, and get another one on the job site?

Mr. Tanigawa: I understand the concept. It is a good thought, and we can look into it, but as of now, I do not know if it is available like that.

Councilmember DeCosta: Mr. Ruiz, I know you are an expert out there, and thank you for being out there for us. We do not know what we would do without you out there doing the operational part. Your loader and compactor, you have two (2) machines doing one (1) machine work. Do you feel comfortable that you can get by with that? Have you been getting by? What are the dangers and what are the pros and cons?

Mr. Ruiz: I do not feel comfortable. Right now, the loader is doing the dozer's job, meaning the loader does the covering at the end of the day. Every day, we need to submit two (2) pictures to the Department of Health (DOH); one (1) at lunchtime and one (1) at the end of the day, to show where we are at and if we are covered. Right now, the loader, the rubber tires cannot go on slide slopes, it cannot drive on the trash, so it is a safety issue. This past week with the heavy rain, the loader cannot go in the mud, the rubber tires cannot drive in the mud. It was a hassle for us this past week with the rain we had. We figured out ways to get it done, but right now, we are struggling with covering without having the proper equipment.

Councilmember DeCosta: Thank you because I have not heard one (1) complaint from your division.

Council Chair Rapozo: Are there any further questions?  
Councilmember Carvalho.

Councilmember Carvalho: Are you looking at leasing for a smaller type equipment, correct? Is that something that...and you said you are not sure, maybe a month or two (2), it might last for a while, is that enough?

Mr. Tanigawa: The smaller version is being pursued right now because that is what is available.

Councilmember Carvalho: Oh. Okay. If there was a bigger one available, you would try to get that one?

Mr. Tanigawa: If they had the bigger one, we would.

Councilmember Carvalho: I just wanted to clarify that because I would try to get the bigger one.

Councilmember Cowden: Yes.

Councilmember Carvalho: And keep moving forward until the purchase or whatever you have to do with the lease, right.

Council Chair Rapozo: I have a legal question. Today, we are going to vote on indemnification of this specific contract, which is for the little dozer. If the big one becomes available...do they even have one that may come available?

Mr. Tanigawa: They said they had a bigger one, but they shipped it off the island.

Council Chair Rapozo: Okay. I guess you let us know if the big one becomes available and then we can get it on...because I do not know if this indemnification approval will carry to another...okay. Are there any further questions? Thank you. Is there anyone in the audience wishing to testify?

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

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2023-253 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: It is 12:25 p.m., everyone met with...regarding Spouting Horn, right? Let us take that up and then we will recess for lunch.

#### LEGAL DOCUMENT:

C 2023-254 Communication (11/24/2023) from the Managing Director, requesting Council acceptance and approval of a Dedication Deed, from Alexander & Baldwin, LLC to the County of Kaua'i, land donation of the parcel, including the viewing platform and the blowhole known as Spouting Horn, located at Tax Map Key (TMK) No. (4) 2-6-003-019:

- Dedication Deed

Councilmember Kualii moved to approve C 2023-254, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony?  
Reiko, did you want to come up?

There being no objections, the rules were suspended.

Councilmember Kualii: We were already utilizing this two-acre on a dollar per year lease, so we have already been dealing with liability, maintenance, and costs. Is there any new cost taking this two-acre parcel?

REIKO MATSUYAMA, Managing Director: That is correct. We will be saving a dollar per year. We have been leasing it for a dollar per year from Alexander & Baldwin, LLC (A&B), for about seventy (70) years. With that came the liability and

maintenance, which is very little, I have talked to the Department of Parks & Recreation folks, and they do not do anything. Our maintenance is on the *mauka* side portion, which we already own.

Council Chair Rapozo:

Councilmember DeCosta.

Councilmember DeCosta: I am amazed that we have been renting this for a dollar per year and how new on the job, your position? How long have you been in the position for?

Ms. Matsuyama:

Since August.

Councilmember DeCosta: Since August, and suddenly, a landowner wants to give the county something. What type of magic do you have? I want to thank you for that, because it is not only a dollar per year, that asset that we own now will add a lot of depth to our land base. Whatever you did, that little sprinkle dust, you did well. Thank you.

Council Chair Rapozo: Are there any questions for Reiko? For the public's information, this is the Spouting Horn, which we have been leasing forever. Today, we have an opportunity to actually get it for one dollar (\$1). We will start saving next year.

Councilmember DeCosta: Can we use this as a revenue-base to get a little bit of revenue coming in now because it seems like there is a lock gate, it is a county piece of land, we have gift shops, we are going to put a whale watching telescope in and can we charge tourists and resident enjoy for free? Is that a possibility?

Ms. Matsuyama:

It is a possibility.

Councilmember DeCosta:

Cha'ching.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: We usually say, "Move to approve with a thank-you letter," I think a thank-you letter is deeply in order. Can we do that? Is there a reason why we are not doing that?

Council Chair Rapozo:

There is no reason.

Councilmember Kualii:

This is a Dedication Deed.

Councilmember Cowden: Yes, this is extraordinary because we look at even the property right next to it and it does have a house on it, even though it is lava. It is also land and so we see that there is the type of capacity that someone could have bought it and put a big wall up or a big hedge around it. It really was kind and generous of A&B and I did tell them thank you, but I think it is important for us as a County to tell them thank you.

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

Ms. Matsuyama: Thank you.

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

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

Councilmember DeCosta: That is great that you brought a thank you letter up. There is a lot of wealthy people who do a lot of good for our County and we never recognize them. I do not know why. Maybe we are shame to be associated with the wealthy people who give money or land, this is not the first thing someone has done for the County. We talked about it today, the canoe people said about he likes paddling canoe, one of the commissioners. That was not Hawai'i land trust.

Councilmember Cowden: That was a gift.

Councilmember DeCosta: That was a gift from the person who lives on the North Shore. We never thank all the people who do good for Kaua'i, so I am glad that you brought that up, because there are many people who deserve thank you letters.

Councilmember Cowden: There is a lot.

Councilmember DeCosta: There is a lot. And we do not do it enough, because we do not want to associate ourselves with them, but we accept the gift.

Councilmember Cowden: Speak for yourself. I do not want to say that I do not want any type of...I am openly appreciative of A&B, and Grove Farm has done a lot. I have openly said a lot of thank you to the Robinsons. We received a lot of gifts, but yes, it is good to say thank you.

Councilmember DeCosta: I was not done with my discussion.

Council Chair Rapozo: Let us wrap this up.

Councilmember DeCosta: I am done now, Council Chair.

Council Chair Rapozo: Is there any further discussion?

The motion to approve C 2023-254 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

There being no objections, the meeting recessed at 12:31 p.m.

The meeting reconvened at 1:30 p.m., and proceeded as follows:



Council Chair Rapozo: Can we have the next item, please?

CLAIMS:

C 2023-255 Communication (11/14/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Brad P. Candido, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-256 Communication (11/20/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Electrical Contractors Hawai'i, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2023-257 Communication (11/27/2023) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jason Matsumoto, for vehicle damage and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2023-255, C 2023-256, and C 2023-257 to the Office of the County Attorney for disposition and/or report back to the Council, 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 refer C 2023-255, C 2023-256, and C 2023-257 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

COMMITTEE REPORT:

PARKS & RECREATION / TRANSPORTATION COMMITTEE:

A report (CR-PRT 2023-05) submitted by the Parks & Recreation / Transportation Committee, recommending that the following be Approved on second and final reading:

"Bill No. 2910 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RECOVERY OF RESCUE EXPENSES,"

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

Council Chair Rapozo: Is there anyone in the audience wishing to testify on this item or any discussion? Seeing none.

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

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

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

#### RESOLUTIONS:

Resolution No. 2023-67 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Ryan de la Pena*)

Councilmember Kualii moved for adoption of Resolution No. 2023-67, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-67 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-68 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Stella Fujita*)

Councilmember Kualii moved for adoption of Resolution No. 2023-68, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-68 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-69 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Coty Trugillo*)

Councilmember Kualii moved for adoption of Resolution No. 2023-69, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-69 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-70 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*)

Councilmember Kualii moved for adoption of Resolution No. 2023-70, seconded by Councilmember DeCosta.

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

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

BRUCE HART: For the record, Bruce Hart. I came to know Ellen Ching and some of the staff over at the Boards & Commission. As a member of the public, I want to say how much I appreciate how well they have treated me and how they have gone the extra mile to help me with my case. Thank you.

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

The motion for adoption of Resolution No. 2023-70 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-71 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Andre N. Lister*)

Councilmember Kuali'i moved for adoption of Resolution No. 2023-71, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-71 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-72 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Paul A. Pancho*)



Councilmember Kualii moved for adoption of Resolution No. 2023-72, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-72 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-73 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Lorna A. Nishimitsu*)

Councilmember Kualii moved for adoption of Resolution No. 2023-73, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-73 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-74 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Tess Shimabukuro*)

Councilmember Kualii moved for adoption of Resolution No. 2023-74, seconded by Councilmember DeCosta.

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

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

The motion for adoption of Resolution No. 2023-74 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-75 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Gerald T. Ako – Labor*)

Councilmember Kualii moved for adoption of Resolution No. 2023-75, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-75 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-76 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox – Environmentalist*)

Councilmember Kuali'i moved for adoption of Resolution No. 2023-76, seconded by Councilmember Carvalho.

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

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

The motion for adoption of Resolution No. 2023-76 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-77 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Mary Kay Hertog*)

Councilmember Kuali'i moved for adoption of Resolution No. 2023-77, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-77 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-78 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Walton D.Y. Hong*)

Councilmember Kualii moved for adoption of Resolution No. 2023-78, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-78 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-79 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Lee S. Gately – At-Large*)

Councilmember Kualii moved for adoption of Resolution No. 2023-79, seconded by Councilmember Carvalho.

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

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



The motion for adoption of Resolution No. 2023-79 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-80 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*William Kinney – Anahola to Hā'ena*)

Councilmember Kuali'i moved for adoption of Resolution No. 2023-80, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-80 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

Resolution No. 2023-81 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Mai Shintani – At-Large*)

Councilmember Kuali'i moved for adoption of Resolution No. 2023-81, seconded by Councilmember Cowden.

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

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

The motion for adoption of Resolution No. 2023-81 was then put, and carried by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: Next item, please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2911) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2023-891, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2023 THROUGH JUNE 30, 2024, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Fire Engine #5, Kalāheo Replacement - \$1,000,000.00*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2911) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 18, 2024, and that it be referred to the Finance & Economic Development Committee, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? We had the discussion earlier today. Is there any further discussion?

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

The motion for passage of Proposed Draft Bill (No. 2911) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for January 18, 2024, and that it thereafter be referred to the Finance & Economic Development Committee, was then put, and carried by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Next item, please.

BILL FOR SECOND READING:

Bill No. 2910 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 13, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RECOVERY OF RESCUE EXPENSES

Councilmember Kualii moved to approve Bill No. 2910 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 anyone in the audience wishing to testify? Is there any further discussion?

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

The motion to approve Bill No. 2910 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 ADOPTION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Rapozo: We have one (1) last agenda item, C 2023-248 that we need to get to after Executive Session.

EXECUTIVE SESSION:

ES-1112 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to obtain settlement authority in the case of Paul Applegate vs. County of Kaua'i et. al., case number CV21-00364 and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1113 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the County of Kaua'i in condemnation proceedings entitled County of Kaua'i vs. B & D Properties, LLC et al., Civil No. 5CCV-22-0000013, Fifth Circuit Court, State of Hawai'i. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Carvalho moved to convene in Executive Session for ES-1112 and ES-1113, seconded by Councilmember Bulosan.

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

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

The motion to convene in Executive Session for ES-1112 and ES-1113 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Bulosan, Carvalho, Cowden, DeCosta, Kualii, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: Thank you. With that, we will take a recess and return after our Executive Session Meeting. Please report straight into ES.

There being no objections, the meeting recessed at 1:43 p.m., to convene in Executive Session.

The meeting reconvened at 2:52 p.m., and proceeded as follows:

C 2023-248 Communication (11/21/2023) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 for Special Counsel's continued services to represent the County of Kaua'i in condemnation proceedings entitled County of Kaua'i vs. B & D Properties, LLC et al., Civil No. 5CCV-22-0000013, Fifth Circuit Court, State of Hawai'i.

Councilmember Carvalho moved to approve C 2023-248, seconded by Councilmember Bulosan.

Council Chair Rapozo: Matt, can we get you up? This is requested to expend additional funds up to one hundred thousand dollars (\$100,000) for Special Counsel, but the case is done, and this is to close out the case, correct?

There being no objections, the rules were suspended.

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. Correct. The condemnation case went to trial. Judge Watanabe found the value of the property was what the County appraiser had assessed it for. The case is just about complete, and this will close out the case. It will pay all the remaining attorneys fees...we are at the end of the case.



Council Chair Rapozo:  
further questions for Matt?

Alright, perfect. Thank you. Are there any

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

The motion to approve C 2023-248 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Matt, can you discuss the Executive Session?

There being no objections, the rules were suspended.

Mr. Bracken: For ES-1112, the discussion was held in Executive Session and the discussion needs to remain confidential, so nothing will be disclosed at this time. For the second Executive Session, ES-1113, the vote was taken in open session, so there is nothing further to disclose in that case either.

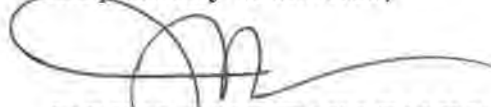
Council Chair Rapozo: Thank you very much.

The meeting was called back to order, and proceeded as follows:

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:54 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:dmc